



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

9 MARCH 2006

www.hansard.act.gov.au

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Thursday, 9 March 2006

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.

Visitors

MR SPEAKER: I acknowledge the presence in the gallery this morning of students from MacKillop Catholic College.

Duties 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) (10.33): I move:

That this bill be agreed to in principle.

I am pleased to present this bill, which provides further tax relief for ACT businesses. As many Assembly members are aware, the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, the IGA, which underpins the introduction of the GST, required the states and territories to cease the application of certain taxes in 2001 through to 2005. The ACT abolished the financial institutions duty, the duty on quoted marketable shares and the debits tax.

The states and territories also agreed to review the need to retain other specified business taxes by 1 July 2005. The outcome of the ACT review was a package of reform measures first introduced in the 2005-06 budget, with a proposed timetable over the next five years. The ACT, along with Victoria, Queensland, South Australia, Tasmania and the Northern Territory, have proposed various abolition dates for the following duties where they apply: duty on core business assets, duty on rental arrangements, lease duty, mortgage duty and duty on unquoted marketable securities. New South Wales and Western Australia are yet to announce any decision on the abolition of any of the business taxes that still apply in those states.

Duty on non-real core business assets is the first business tax scheduled to be abolished. The ACT timetable then proposes to cease duty on rental arrangements in 2007-08, lease duty in 2009-10 and on unquoted marketable shares in 2010-11.

The bill amends the Duties Act 1999 so there is no duty liability on the acquisition of non-real core business assets on and after 1 July 2006. It was estimated in the 2005-06 budget that there would be an annual impact of \$2 million on the bottom line when duty is abolished on transfers and transactions involving the goodwill of a business,

intellectual property and a statutory licence or permission under commonwealth or territory law.

Partnership interests and goods in the ACT will now only be dutiable property where they include, or are dependent on, an arrangement that includes land, a crown lease, land use entitlements, unquoted marketable securities and units in a units trust. Transfers and transactions involving partnership interests and goods will not be liable for duty on goodwill, intellectual property and statutory licences or permissions.

Currently, the duty treatment of franchises differs across jurisdictions. While New South Wales and Victoria do not assess duty on franchises, Tasmania, Queensland, Western Australia and South Australia treat franchises as business assets, dutiable at conveyance rates. The ACT and Northern Territory currently assess duty on franchises under the leases chapter of the Duties Act.

In the spirit of the IGA, the government has also agreed to treat franchises as a business asset and bring forward the abolition of duty on franchises. This will harmonise their treatment across all jurisdictions, noting that the Northern Territory proposes to abolish lease duty in 2006. This bill ceases duty on franchises on 1 July 2006, except for long-term franchises—that is, longer than 30 years—where existing conveyance duty will be retained as an anti-avoidance measure.

The bill also contains anti-avoidance provisions to capture arrangements where the main purpose is to defer a transfer or transaction until after the abolition of these duties. Similarly, replacement transactions and the use of options to try to avoid duty will be captured in the duty net. These transitional arrangements will expire after five years.

I think members also know that this bill is the function of a quite acrimonious debate between the states and the federal Treasurer, and it has been, in fact, by dint of blackmail really that various states have accepted proposals to eliminate taxes that were only scheduled to be considered, not necessarily eliminated. We put forward a timetable, as have states other than New South Wales and Western Australia, to the federal Treasurer the best part of 10 months ago, and at this stage we have not even received a response. So, after Mr Costello has beaten his chest, we are yet to see how he takes on the problem he has now with New South Wales and Western Australia. Given that the treasurers council will take place at the end of this month, I await with interest to see what occurs at that council. I commend the bill to the house.

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

Standing orders—suspension

MRS BURKE (Molonglo) (10.38): I move:

That so much of the standing orders be suspended as would prevent order of the day No 12, private members' business, relating to childcare in the ACT, being called on forthwith.

I move this motion today not in a light way at all but in response to the action taken yesterday by the government, which prevented yesterday's program from naturally being

delivered. The motion moved by the Chief Minister, in effect soon after question time, delayed the remaining business listed for the day. “Hypocrisy” would be the poignant descriptor to use under the circumstances.

The Chief Minister, although he implied that he would like to see a rigorous and enlightening debate occur in relation to childcare, particularly in relation to the motion brought on by Dr Foskey, has not given the permission. Yesterday, the Chief Minister gave the Assembly the impression that he was keen to see this debate. However, naturally, as this majority government is wont to do, it brought forth a motion to discuss a matter that had already been discussed in the Assembly earlier:

That this Assembly directs Mr Pratt, Mrs Burke and Mr Stefaniak to table, by 5.00 pm today, all information in their possession relevant to the assertions and claims made by them in questions asked yesterday and today in relation to alleged criminal behaviour in Campbell, Erindale and at the Canberra Show.

In response, Mr Smyth accepted the challenge of the Chief Minister and his colleagues, which took this unnecessary debate on to 4.04 pm. Again at 5.32 pm, Mr Smyth sought to suspend standing orders to allow Mr Pratt to respond to Mr Stanhope’s motion. The series of events had delayed other motions listed on the daily program and delayed private business. I know Dr Foskey shares my concern, as her very own motion was postponed due to this unforeseen action. The Chief Minister, in response, argued:

The government opposes the motion for the suspension of standing orders. Under the standing orders, we would be debating now, but for this move to justify a position, the provision of childcare in the ACT. We would and should be debating under the standing orders an important motion, a motion to be moved by Dr Foskey, on the provision of childcare in the ACT. That is what we should be doing now.

It is important that the affairs of the Assembly be conducted in an orderly manner as a result of that and our determination to ensure that that is indeed how the Assembly and the chamber operate ...

Fine words, aren’t they, Mr Speaker? He goes on:

... it was agreed by all parties that the order of business today would involve in notice No 3 an important debate on the provision of childcare and it is very important that we get on to that.

It is funny that we never did. If he argues that suspension of standing orders would delay business of the Assembly, why would he seek to place a motion before the Assembly to delay all other proceedings in the first place? I say that it was a blatant use of executive business time. It obviously prevented the opposition and crossbenchers from debating a very, very important issue. What was the Chief Minister afraid of being debated? Did he not want the debate for childcare to come on? What are the problems in childcare? Or was it simply that he was just trying to cover up for a minister for police who has got into a bit of hot water?

I ask that we suspend standing orders today. I ask that Dr Foskey’s motion be brought on in this house forthwith. Ted is laughing—he is leaving; he is all right—but the people of the ACT depend upon quality issues that relate to the ACT being debated in this house.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.42): The government will not be agreeing to this motion today. The confected outrage from Mrs Burke ignores the basic point that today there are a number of items of executive business on the notice paper that the government wishes to proceed with. There is no disagreement that the issue of childcare is important—of course it is important—but it is a matter to be dealt with in private members' business, and private members' business was dealt with yesterday. It was unfortunate that that was delayed due to other items in the Assembly—mostly because of the refusal of the Liberal Party to approach the issue that was dealt with yesterday in a sensible, non-political way. But that is a different debate.

The debate today is about whether executive business should be delayed simply because of the events in the Assembly yesterday. The government's view is that it should not. Dr Foskey's motion should have precedence for private members' business on the next sitting Wednesday. That is the most appropriate way to deal with it. There is a range of important items that need to be dealt with today, in particular the Children and Young People Amendment Bill, which has quite a number of amendments that will need detailed debate today, as well as arrangements for insurance for the racing industry and for workers compensation. These are important matters listed in an orderly way for debate today, and the government will not be agreeing to any suspension of standing orders for any item of private members' business today, regardless of its worth; that is appropriately dealt with in private members' business on the next sitting Wednesday.

DR FOSKEY (Molonglo) (10.44): I thank members for their great interest in the issue of childcare, which interest, unfortunately, was not so evident yesterday. I support the Liberals' motion. I have noted that, because there was no Assembly business today, we had 45 minutes when we could have dealt with this, especially understanding that it is going to be some time before it is going to be possible, unless there is some other suspension of standing orders, to discuss this motion, due to the roster that we have for private members' day. It is unfortunate to see private members' day eroded on a discussion that could have been had at some other time.

It is also of concern to me that the issue that was touched upon yesterday was not really allowed to be dealt with properly. I believe the government was far too premature in the way it responded to the criticism that it needs to understand that the role of the opposition and indeed the cross bench is to raise just these kinds of issues. Although I was not allowed to move an amendment to the motion, the amendment that I would have moved was along the lines of let us look at some of the more objective reporting that might have informed these issues. Rather than it being my opinion or your opinion and what I say are the facts or what you say are the facts, let us have a look at the ACT report on ACT policing. We have asked for that many times over the last year or so—I know that it exists, although perhaps copies are under lock and key—because that would provide some light on the matter, with an expert opinion, rather than just slinging accusations across the chamber.

So yesterday was very disappointing to me, particularly in not getting the motion up in time to really debate it. I do not know what the government thinks on this. I do not even know how much it was trying to get out of talking about it. We cannot know, because we never got up to it. To me this is a real concern about transparency and accountability, and

perhaps it is a reflection of what majority government does to people, even when the intentions are the best. So I am disappointed. I see the government are not supporting the Liberals' motion and I just wonder when we are going to deliver to the women of Canberra on this issue.

MR STEFANIAK (Ginninderra) (10.47): Dr Foskey raises a number of very good points, one of the best of which is the fact that Assembly business is always dealt with on Thursdays and we have 45 minutes for it. What Mrs Burke, as I understand it, is asking for is that Dr Foskey's motion be debated, which yesterday everyone thought was very important, including the Chief Minister, who was ranting and raving about how important it was and how that should be done. Forty-two minutes is all that is apparently being asked for—three minutes short of what would happen in Assembly business anyway, which we have on Thursdays. What Mrs Burke and Dr Foskey are asking for is eminently sensible in terms of this very important motion that Dr Foskey has moved and that was interrupted because the government interfered with private members' business yesterday.

The government cannot have it two ways. Either Dr Foskey's motion is important or it is not. The Chief Minister was railing about its importance yesterday, yet here we have the manager of opposition business, Mr Corbell, seeming to disagree with his boss there by saying: "No, no, no, there are much more important things. Dr Foskey's motion can be relegated to the next time we do private members' business." You cannot have it both ways; it is either important or it is not. It is quite extraordinary, too, for a government to interfere in a private members' day. I do not think this government has done it during the term of this Assembly. In fact, my recollection—I could be corrected here—is that this is the first time.

As Dr Foskey also indicates, it was quite inappropriate. It is the job of the opposition and the cross bench to raise legitimate questions. The practice in this Assembly in private members' business has been to let private members have the day—not only opposition members; it is a chance for government backbenchers to raise issues as well. The Assembly has done that, and this government and previous governments have respected that. Yesterday sets a very bad precedent in terms of interference with private members' business. Forty-two minutes is all that is asked for, and 42 minutes should be given by this Assembly. I am very disappointed, although hardly surprised, to see the government suddenly come up with a different view today, and a different attachment of relative importance to Dr Foskey's motion, from its view yesterday, when this was one of the most important things in the world and should be dealt with. Well, here is your chance to at least give it 42 minutes, and it is very disappointing that you are not prepared to do that.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.50): I have just a couple of comments. I do recall the motion yesterday and I think the motion was necessary at the time to protect the credibility of this house. But what I also recall is that the opposition participated in that debate. In fact, the opposition squealed when the government pulled the gag on it in order to get on with the Assembly business.

Mrs Burke: Well, you started it.

Mr Stefaniak: You started it.

Mrs Burke: That's a silly argument.

MR QUINLAN: If the opposition were so concerned about what time was available—

Mrs Burke: That's laughable.

Mr Stefaniak: Don't do silly motions.

MR SPEAKER: Order! Mrs Burke and Mr Stefaniak, Mr Quinlan has the call.

MR QUINLAN: If the opposition were so concerned—

Mrs Burke: Oh, dear!

Mr Stefaniak interjecting—

MR SPEAKER: Order! I have just called you to order and you have completely ignored me. I will not tolerate that.

MR QUINLAN: If the opposition were so concerned about the limited amount of time to get through the paper of the day, why were they still keen to carry on in that debate? I think the answer is that the manager of opposition business stuffed up. It was your job. If you are concerned to ensure that the whole program is addressed in the day, and if it is your own party that is taking up a large slice of the time, you are as much as, if not more than, anybody else at fault. So it shows great humbug to walk out here and move this motion today, immediately the day after. You need to brush up on your job, as this was pretty hopeless management on your part. But this is, like a number of things that occur in this place, just a little bit of a stunt, and I really think you ought to get a bit more sophistication in your political tactics. This is pretty crude stuff.

MS MacDONALD (Brindabella) (10.52): I will be brief. I just want to address the couple of points that Dr Foskey raised about the issue being an important issue. The government is not denying that the issue of the provision of childcare is an important issue. We agree that it is an important issue and we wanted to go on and talk about it yesterday in private members' day.

On any given private members' day, as anybody who is a member of the admin and procedures committee will know, there are things that will drop off the paper. It has happened to me, it has happened to Mr Gentleman, it has happened to Ms Porter, it has happened to Dr Foskey before and it has happened to all members of the opposition, so it is just a nonsense to say that one particular issue is more important than another on private members' day and that we must bring it on for government business day.

Unfortunately, that is the nature of this place. We do have competing interests and we have a limited time on private members' day in which to deal with these things. I am sorry that we did not get to deal with it yesterday, and I am sorry that Dr Foskey did not

get to raise the issues. But, as I have already said, it has happened to everyone in this place.

Question put:

That **Mrs Burke's** motion be agreed to.

The Assembly voted—

Ayes 7

Noes 8

Mrs Burke
Mrs Dunne
Dr Foskey
Mr Mulcahy

Mr Pratt
Mr Smyth
Mr Stefaniak

Mr Berry
Mr Corbell
Ms Gallagher
Mr Gentleman

Mr Hargreaves
Ms MacDonald
Ms Porter
Mr Quinlan

Question so resolved in the negative.

Executive business—precedence

Ordered that executive business be called on.

People living in poverty Amendment of Assembly resolution

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.58): I move:

That the resolution of the Assembly of 19 October 2005, regarding poverty and employment creation strategies, be amended by omitting paragraph (3) (c) and substituting:

“(3) (c) report to the Assembly during the sitting week commencing 12 December 2006.”

The government is seeking to amend the Assembly's resolution on poverty and employment creation strategies, which was initiated by Dr Foskey last October, in order to provide for more time in which to report back to the Assembly. The government shares Dr Foskey's concerns that more should be done to assist the long-term unemployed by all jurisdictions, businesses and community sectors. To this end, the government is currently investigating strategies to address long-term unemployment and has also written to the Community Inclusion Board seeking their views.

This area is complex and it will take some time for both the government and the board to do further research and to reach a firm view on optimal policies and programs. The Community Inclusion Board will also be initiating a pilot project focusing on innovative assistance measures, which it is understood will be undertaken during the remainder of 2006 and into 2007. The government is, therefore, seeking an extension of time until the December 2006 sittings to report back to the Assembly on the resolution. By this time, the pilot project commissioned by the board will be well advanced and the government will have had further time to consider options in this area.

Given that this is a change to the original reporting date, the government can indicate its preparedness to report on progress at the end of March this year, to seek to honour that part of the motion originally agreed to by the Assembly as far as is reasonably possible. This is a complex issue, and a considered policy response is required that builds on all levels of government, business and community initiatives. I commend the motion to the Assembly.

DR FOSKEY (Molonglo) (11.00): Thanks, Mr Corbell, for the indication that the government is putting serious effort into implementing the motion that the Assembly agreed to last year. Of course, I am certainly not going to insist that we stick with the original reporting date, because it does not sound as though all the work has been done. But I would be very interested in a progress report, or an indication of what the government has done, and I would also be interested in perhaps contributing to setting up the framework for the way that you will do this work. I believe there are people in the Canberra community that could assist, and I would like to be brought into the loop perhaps at this stage of working out exactly how the government will go about implementing the motion that the Assembly passed last year.

Motion agreed to.

Children and Young People Amendment Bill 2005 (No 2)

Detail stage

Clauses 1 to 3.

Debated resumed from 7 March 2005.

Clauses 1 to 3 agreed to.

Clause 4.

DR FOSKEY (Molonglo) (11.02): I move amendment No 1 circulated in my name [*see schedule 1 at page 607*].

I would like to point out the seriousness of the issues that the amendment addresses and the immediate need to make the health and wellbeing of our young people accused of offending of paramount importance. A 2003 Victorian study showed that young offenders were far more likely to die than people of the same age in the general population, even those with psychiatric and behavioural disorders. Amongst these young offenders, drug-related issues and suicide were the leading causes of death. The study implied that social policies for young offenders should address drug and mental health problems as well as the high levels of social disadvantage. Whilst we lack similar data for the ACT, we could expect comparable figures.

My amendment proposes that, if a decision is to be made in relation to a young offender, the decision maker must give paramount importance to the principle that the young person should be dealt with in a way that acknowledges his or her needs and that will provide the opportunity to develop in socially responsible ways. This amendment seeks to recognise that many young offenders arrive in the criminal system as a result of poor

care and protection in earlier life and that the most important issue to be considered when confronted with a young offender is what factors—be they family problems, mental illness, lack of education or drug abuse—assisted in the young person offending and, for the individual's and community's sake, what is the best way to assist this young person to recover so that they can responsibly participate in society.

We must, in our sentencing of young people, always acknowledge that there is scope for change and set in place the conditions most conducive to it. This amendment does not seek to prevent young offenders from being sent to youth detention, if that is found to be the most appropriate form of rehabilitation. But it does put forward that youth detention is not always the most appropriate or effective form of rehabilitation, although, if properly resourced, youth detention can be a positive experience for young offenders.

The government may say that it will not support my amendment because rehabilitation is one of the principles that must be considered and that there are a number of rehabilitation programs already available to young offenders. But, at the same time, a report on the ABC web site of 4 February 2006 said that the ACT government might consider holding an inquiry into Canberra's high rate of juvenile incarceration. The Chief Minister said on that day that he was gravely concerned that the ACT's young people are twice as likely to be sentenced to detention as is a child in New South Wales. Like the Chief Minister, the Greens are very concerned about this trend. The ACT government should remember that it is our young offender principles that guide sentencing and the delivery of programs, and if we want to improve our young offender recidivism rates we should try to improve our principles.

The Youth Coalition has continually called for the ACT government to support alternative sentencing and diversionary conferencing options; to provide support and referral services to assist young people to address the problems that might underlie their experiences with the law, including mental illness and drug and alcohol dependency; to treat drug use as a health issue, rather than a legal matter; to prevent circumstances in which the justice system is forced to compensate for inadequacies in other areas, especially housing, mental health and drug and alcohol services; and ensure that the justice system, at all stages, is able to protect and meet the different needs of young people, particularly young women and young indigenous people.

Young people with dual diagnosis—that is, mental health and drug and alcohol problems—make up a significant proportion of our young offenders. If we do not deal with the dual diagnosis, these young people are likely to reoffend. In some states, drug courts provide treatment orders as part of the sentence, guiding young people towards more organised, meaningful lives. It may be hard for people here to imagine the chaotic nature of some families and some young people's lives. Young people need training and support to rebuild their lives and to take some control. All these policies flow from the principle that when dealing with young offenders we must deal with the problems they are experiencing to assist their recovery and responsible participation in society as soon as possible.

I would also like to draw the Assembly's attention to the increasing research into therapeutic jurisprudential principles, or problem-solving courts, which attempt to reduce harm to the community by addressing individual factors that have led to offending, in an attempt to prevent or reduce the recurrence of offending. It has been remarked that

therapeutic orders are available via the courts for children and young people, but at December 2004 they were yet to be used because there were no facilities. I am sure that many of our magistrates try to apply these principles in sentencing young offenders, but while facilities and support services are lacking their scope is limited. The Assembly should also note that to date there has been little research done into the impact that incarceration has on crime, so the effectiveness of incarceration in assisting rehabilitation remains questionable.

I acknowledge that work is being done on restorative justice and the turnaround program, but we still have a long way to go. Further, we need to see more results from these programs. The thinking behind criminal justice principles for young people has advanced, but have we advanced with it? While we know that the government are putting some effort into developing an innovative new youth detention building, I would like to receive some reassurance that they are also putting effort into developing innovative practices.

It is in no-one's interest, least of all themselves, for young offenders to continue to offend. We have a duty of care to enable them to move on and to overcome the problems that got them there. The only question is how. My amendment seeks to improve the way we answer that question.

MRS BURKE (Molonglo) (11.09): Unfortunately, the Liberal opposition will be unable to support Dr Foskey's amendments to the Children and Young People Amendment Bill 2005 (No 2). I know that my learned colleague Mr Stefaniak will be expanding on these points more than I can, but it is our belief that raising one of the principles to a level of paramountcy, which Dr Foskey is suggesting, will have a disproportionate effect on the rest of the principles in the bill.

The government's amendments, however, bring consistency. They allow for appropriate weighting to be placed on the decisions made by magistrates. The government's amendments to the bill have been added to the mix, I am told, to provide better scope for magistrates, and I know again that my colleague Mr Stefaniak will expand on my comments. I close by saying that I understand the essence and the spirit in which Dr Foskey puts the amendments forward. However, for the reasons that I have given, we will be unable to support those amendments.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.10): The government will not be supporting this amendment of the Greens in relation to young offenders, although I understand where Dr Foskey is coming from. Clause 4 reinforces the principle of best interests as the paramount consideration for decision makers across the act, except for decisions made in relation to young offenders, where it is one of a number of principles to be weighed and applied by the decision maker.

The strengthening of the best interests principle reflects this government's commitment to protecting the interests, safety and wellbeing of children. The provisions are consistent with child welfare legislation in other jurisdictions that place the best interests of children as the paramount consideration. In relation to young offenders, the weighting needs to be given across a range of principles, with not one given paramountcy over the

others. That is important in protecting all the interests of those that might have been affected by the young person's offending.

MR STEFANIAK (Ginninderra) (11.12): I agree with the comments made by both Mrs Burke and the minister. Dr Foskey should have good look at section 68 as it stands. I will read it out; it is a fairly short section. I think that it is a far more balanced section than what she is proposing here. I think that there is a real problem when you have the words "paramount consideration" in terms of looking at offenders and criminal acts.

As the minister quite properly says, paramount consideration in the interests of the child in the context of this act is terribly important, rather than the interests of, perhaps, natural parents, carers or anyone else. The interests of the child in terms of those issues are paramount, but when it comes to the criminal law there are lots of varying interests, varying rights and competing rights.

The act as it stands strikes a good balance; in fact, in one section it might even go a little bit too far, but there we go. The act states:

If a decision is to be made under this part in relation to a young person or young offender, the decision-maker must make the decision in accordance with the following principles:

(a) if a young person does anything that is contrary to law, he or she should be encouraged to accept responsibility for the behaviour and be held accountable—

I would hope no-one would have any quibbles with that—

(b) the young person should be dealt with in a way that acknowledges his or her needs and that will provide the opportunity to develop in socially responsible ways—

another sensible provision—

(c) a young person may only be detained in custody for an offence (whether on arrest, in remand or under sentence) as a last resort;

Lots of people have criticised that. Indeed, magistrates themselves, more so with adults, have on occasions criticised a similar section in the Crimes Act, which is now, I think, incorporated into the sentencing act. As a last resort, it means that magistrates can often see a need to detain someone who really should be in custody but there may be some other option and they feel constrained to do so even though they are not particularly happy with it. I would suggest that that is something that needs to be looked at. When you have even ACT magistrates making those comments, they are worthy of due consideration.

On the flipside, as far as people like Dr Foskey are concerned, that surely should be sufficient in terms of what she is seeking. I am not talking so much about remanding, as it is pretty hard to remand a young person in custody on arrest or whatever; but, in terms of sentencing, courts in the ACT have sentenced young people to incarceration—to Quamby or, in instances, to New South Wales—only as a last resort. In fact, they are

often criticised by people, by victims and perhaps by the police officers involved. It can be terribly frustrating for them.

I have seen it happen because of that clause; they do it as a last resort. Young people get many opportunities, more so even than adults, to mend their ways and courts have historically incarcerated them only as a last resort. In fact, there have been some very valid comments that that is something that should be looked at because it is immensely frustrating to victims and the police, but it is there and Dr Foskey, in terms of what she is trying to put forward, should take great heart from that because that is, in fact, what happens in practice, whether it is right or wrong. The act continues:

- (d) young offenders should be dealt with in the criminal law system in a manner consistent with their age and maturity and have the same rights and protections before the law as would adults in similar circumstances—

I do not think anyone can quibble with that—

- (e) on and after conviction, it is a high priority to give a young offender the opportunity to re-enter the community;

Indeed, rehabilitation is crucially important. It is a principle of sentencing. It is even more important, and historically has been regarded as such, for young people. Sadly, perhaps the system has not operated as well as it could in terms of rehabilitating young people. But at least there is a recognition that, as far as young people are concerned, that is an incredibly important consideration in terms of any penalty that might be imposed, especially in terms of a custodial penalty. That is why governments of all persuasions have ensured that there is a range of programs to try to rehabilitate young offenders in places such as Quamby. The final paragraph of the section reads:

- (f) a balanced approach must be taken between the needs of the young offender, the rights of any victim of the action that constituted the young offender's offence and the interests of the community.

That is a very sensible sentence. By all means, we need to have regard to the rights of the young person, but their rights should not be paramount. What about the rights of the victim, often the forgotten person in the criminal justice system? What about the interests of the community? They are all equally important and competing rights. I think that section 68, apart from a couple of reservations I have with it, is fundamentally a very solid section in this legislation.

The act was looked at. I think that it has been lifted from an older act. I do not think that it was one of the sections amended when the bill was introduced in 1999 and passed, I think, that year. I think that it is far more reflective of what the community would expect than Dr Foskey's amendments. Accordingly, my colleagues and I are more than happy to keep it as it is.

DR FOSKEY (Molonglo) (11.17): I am not going to speak to my second amendment. I will just close now on this one. I am disappointed that both the government and the opposition are not supporting the amendment. Perhaps they see the amendment more as a matter of semantics than a matter of principle. In moving my amendment, I was considering the convention on the rights of the child and a tendency to put young people

into the hands of the courts and ask the magistrates to choose between a number of what Mr Stefaniak calls competing principles.

It would seem to me that we always need to assume that the young person has the potential to have a much more positive life, to be able to contribute more positively to the community. Whilst I think that we do have some mechanisms in process that address those issues, I think it is important that it be a paramount principle from which other things follow. I do not think that that is to deny the rights of the victim or of the community, because I do not think that those things are set against each other as such. We are contributing to the community of the future by assisting a young person to become someone whose angst and whose problems are the personal damage that can be caused.

We know that there are very good opportunities if we commit ourselves to that. So I think that it is important that we do make sure that the young person accepts responsibility for the offence and that they should be encouraged to accept responsibility, but I do not think that we should allow for this principle to be given more weight than the consideration of the factors that influence the young person becoming an offender. Magistrate after magistrate tells the story of how the young person does not need to be there in front of them.

We do know that early intervention programs, supporting parents through difficult times and creating the kind of society where even people who have low incomes and poor employment prospects are still able to provide good services to their children through preschools, schooling and other facilities, are important. But our opportunity to intervene occurs when an offender comes before the courts. We do not get too many of them. We risk creating outsiders, a marginalised class of people that cannot see any reason why they cannot offend because society does not give a damn about them anyway. That was the kind of thinking behind why I put up that amendment and I am sorry that it is not going to be passed.

Amendment negatived.

Clause 4 agreed to.

Clauses 5 to 9, by leave, taken together and agreed to.

Clause 10.

DR FOSKEY (Molonglo) (11.22): I move amendment No 2 circulated in my name [*see schedule 1 at page 607*]. I have already made my case, Mr Speaker. I have no intention of speaking further on the matter.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.22): I will speak briefly to this amendment, which is related to the previous amendment moved by the Greens. I do not think there is disagreement on what Dr Foskey says about the treatment of young people in need of extra support. I think the difference of opinion exists over how you regulate that in legislation once they have offended.

We are saying here that that principle should not be given paramountcy once young people have offended, because there is a range of competing interests, but I do not think we disagree at all about the need for services such as shelters. If you look at what happens at Quamby you will see that magistrates use it only as a last resort. You can see that that is the case simply by the number of young people who spend time there. The average, I would say, is around 20 young people for the territory. Unfortunately, we have much more than 20 young people offending in the territory. There is a range of options which the courts do look at.

I guess the concern around not being able to support this amendment is that, if we were to put the best interests principle for young people as the paramount consideration, we would be putting their rights above a whole range of things that need to be looked at once a young person has offended, including whether a magistrate would be in a position to send somebody to Quamby. There are questions around whether, if paramount consideration has to be given to the young person's best interests, taking away one's freedom is necessarily in line with that. I think that it could bring into question the whole way that we deal with detaining people at our juvenile detention centre.

I think that this is a disagreement about how the legislation needs to be framed for consideration by the courts. It is not about how we deal with young offenders: the fact that they need support and the fact that there needs to be a range of options for young people. I think there is agreement around the Assembly about that. But we will be opposing this amendment.

Amendment negatived.

Clause 10 agreed to.

Remainder of bill, by leave, taken as a whole.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.25): I seek leave to move together amendments Nos 1 to 7 circulated in my name.

Leave granted.

MS GALLAGHER: I move amendments Nos 1 to 7 circulated in my name [*see schedule 2 at page 608*]. I table a supplementary explanatory statement.

Amendment No 1 removes the requirement for a mandated reporter to report abuse or neglect of a child or young person if the reporter reasonably believes that another person has made a report to the chief executive about the same child or young person and the same abuse or injury. The current reporting regime requires all mandated reporters to report their suspicions of non-accidental physical injury and sexual abuse. Consultations identified that this can result in many mandated reporters in the same setting being required to report identical concerns for a child or young person.

In response to concerns raised by the Office of the Public Advocate, the government has proposed an additional amendment to replace the word “suspect” with “believe”. The OPA have agreed with this wording. The additional government amendment clarifies that a mandated reporter must reasonably believe, rather than reasonably suspect, that another person has made a report to the chief executive about the same child or young person and the same abuse or injury in order to be exempt from making a report. This will provide a clearer picture as to the number of children and young people at risk by reducing the number of multiple reports.

Proposed new clause 18A provides that the chief executive must provide reports on children and young people for whom the chief executive has parental responsibility to the Public Advocate if the incident giving rise to the report involves the authorised carer or happened while the child or young person was in an approved care placement. This includes children and young people placed in out-of-home care or on approved contact visits.

The intention of the provision is for the Public Advocate to provide oversight of the chief executive’s actions in relation to children and young people allegedly abused or neglected in care or while on an approved contact visit. An additional government amendment was required for this clause in response to a request by the Office of the Public Advocate that these reports be extended to include alleged abuse that also happens on a contact visit.

The Public Advocate will continue to receive reports of abuse and neglect on children and young people for whom the chief executive has parental responsibility. In practice, the current requirement to report has resulted in many reports being provided which do not involve significant care and protection concerns; for example, a young person absconding from placement for a short period. The government amendment to this clause clarifies that the chief executive must provide reports to the Public Advocate on children and young people for whom the chief executive has parental responsibility if the incident giving rise to the report involves the authorised carer or happened while the child or young person was in an approved care placement.

Turning to the amendment in relation to information sharing, clause 21 introduces a new framework for information sharing, with information being categorised into levels of protected and sensitive information. Different obligations for the information holder attach to each level. The chief executive will be empowered to release information where it is in a child’s or young person’s best interests.

Improved guidance is provided as to what information may be released by information holders, who include statutory office holders such as the Public Advocate and the Official Visitor, persons exercising a function under the act, persons engaged in the administration of the act or anyone else who has been given information by one of these people. The chief executive will also be able to release information where it is decided that this would be in the best interests of the child or young person.

Removal will result in a lack of clarity and guidance to information holders in order to protect sensitive information about individuals, especially for third parties. In particular, clause 21, subsections (3) and (4), provides that an information holder does not need to

divulge sensitive information to a court, unless it is necessary to do so for this act. The Standing Committee on Legal Affairs raised concerns that the clause may be a limitation on the right to a fair trial regarding the principle that all relevant evidence is admissible.

The provisions serve an important and significant objective in protecting and promoting the community's confidence in voluntarily reporting child abuse and neglect to statutory authorities. There is an overriding public interest that children at risk of abuse and neglect require community members to report concerns to authorities with confidence that their identity and concerns will be adequately protected. The consequences of not establishing such a framework for the protection of this information would be diminished confidence by community members to report abuse and neglect of children and fewer reports being made voluntarily. This, in turn, could lead to diminished protection for children at risk.

Some sensitive information has a special character because it is compulsorily acquired through mandatory reporting provisions under the act. This includes information characterised as interstate child abuse reports which may have been obtained through equivalent mandatory reporting provisions in other Australian jurisdictions. Similarities can be drawn with information obtained under compulsion by a royal commission. In such cases, the information is generally not admissible in subsequent legal proceedings. There is a need to ensure that persons who are required at law to report abuse, either under the Children and Young People Act 1999 or a law of another state or territory, will be adequately protected. The provisions are the least restrictive in order to achieve adequate protection of sensitive information.

The bill provides for the chief executive to release such information if it is in the best interests of a child or young person. This will allow for the chief executive to exercise discretion regarding the release of information on an individual case basis where it is demonstrably in the best interests of the child. These provisions will not have a disproportionately severe effect on parties to proceedings. Whilst the provisions may affect some legal proceedings, in most cases sensitive information will be relevant only in proceedings arising under the act in relation to care and protection applications to the Children's Court.

The final amendment is to clause 22. A transitional government amendment has been made to exempt work experience arrangements from the act until 30 December 2006, which will allow for detailed consideration of the police matters related to work experience. The amendment is necessary in response to concerns raised by the Department of Education and Training that work experience may fall within the scope of the employment provisions under the act, the implications of which were that work experience placements for children under school leaving age—that is, 15—were not being arranged in accordance with the requirements of the employment provisions. In view of these concerns, the Department of Education and Training has ceased work experience arrangements for students under the age of 15, pending review of the provisions. This government amendment provides for enhanced clarity that work experience arrangements are not considered to be employment for the purposes of the act.

As this is probably the last time I will be on my feet, I would like to thank staff of my office. When I spoke on Tuesday, I failed to thank the staff of my office who have done

a lot of work on this legislation, especially Garrett Purtill, who does all of the negotiating and behind the scenes manoeuvring. I thank him very much for all the work he has done on this bill.

MRS BURKE (Molonglo) (11.33): I thank the minister for her overview of the government's amendments. I do note with slight concern, but glad to see them on the table, that it has taken a considerable length of time to get to this point. I realise that been a lot of work has gone into them and I do thank the government for its work on the amendments relating to mandatory reporting.

Mr Speaker, I have talked with the government and had some assurances from the government in relation to amendment No 3, proposed new section 189A, relating to the Public Advocate being told about some incidents. The opposition has some concerns about the use of the word "some". I understand, having just spoken with the minister, that this may be a drafting matter. I understand that the government is kindly going to look into our concerns and perhaps change that word to "certain". That is pertinent as well in relation to the effect it will have on the changes in amendment No 4 and amendment No 6.

I would like to say that I welcome amendment No 5, which tightens the definition of child abuse appraisal information. Obviously, that was one of the key factors around the whole unfortunate situation in which we found ourselves a couple of years ago. Without more ado, I thank the government for its work and also thank the workers that are working hard to make sure that this act will be very strong and robust and one that, hopefully, will never see us go down the path that we went down a couple of years ago.

DR FOSKEY (Molonglo) (11.35): I will be supporting the government's amendments because they all seem perfectly logical and reasonable to me. I thank the minister for her explanation just now, which was quite enlightening. Government amendment No 1 places an onus on the public servants who are aware of cases of abuse to take greater care in ensuring that the cases have already been reported before deciding that they are not required to report such cases. I think we need that to get a balance between minimising report duplication and making sure that cases of abuse are reported.

The amendment that relates to the Community Advocate's access to information has been, I believe, requested by the Community Advocate. Her office probably is feeling that it is being deluged by copies received of every single report that the chief executive receives and would prefer to focus on those cases where a child or young person suffers abuse at the hands of the authorised carer. I must respect the Community Advocate's judgment on this issue and consequently support the amendment. This is an interesting development as the previous Community Advocate, as we well know, did not get regular reports from the previous chief executive officer, but perhaps the reporting has been overdone since the time of the Vardon report, with the quite understandable caution that resulted from that, and it is time for the pendulum to swing back to an appropriate midpoint.

The government's seventh amendment, which makes changes to section 45, provides some extra provisions to ensure the Community Advocate's transition to the Public Advocate and exempts the government's school work experience programs from the act's employment requirements because these programs are already monitored under

ACT guidelines for work experience and reviewed annually by the Department of Education and Training.

Amendments agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Racing (Jockeys Accident Insurance) Amendment Bill 2006

Debate resumed from 7 March 2006, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (11.38): The purpose of the bill, as indicated when it was introduced by the Treasurer, is to amend the Racing Act 1999 to provide RacingNSW with a legal status to insure jockeys, apprentices and other approved riders in the ACT. Jockeys who ride in the ACT have been outside the provisions of the Workers Compensation Act since 2001-02. Since then they have been covered by GIO insurance, but that insurance ceased on 30 June 2005.

I understand that there was a delay of about three months, during which the plight of the racing industry resulted in some six local race meetings being cancelled or moved to Queanbeyan and Goulburn due to lack of insurance cover in the ACT. Obviously, the opposition and the industry were concerned about the time that that matter took. Generally, we have tried to take a bipartisan approach to this subject. There may be comments that the Treasurer will make in his remarks that will explain what seemed to be rather long delays.

I am under no illusions about how difficult it is to deal with the insurance industry, because ultimately there are really only three insurers in this country. I have great regard for Mr McDonald's capacity to deal with insurance issues on behalf of the administration, which I have seen since my election to the Assembly, but it did seem to take an extraordinary amount of time and did beg certain questions as to why the matter was allowed to go on so long and lead to local disruption to the racing industry.

In any event, eventually a temporary private insurance arrangement for jockeys riding in the ACT was put in place to ensure the continuation of major horseracing events such as the Canberra Cup and Black Opal, but I am advised that this interim cover will expire on 31 March 2006. It is pleasing to note that RacingNSW is prepared to support the racing industry generally by extending its insurance cover to include the ACT. At the same time, of course, the inclusion of the ACT extends the insurance pool and may help RacingNSW to operate a little more efficiently. It is also pleasing to note that the minister expects the arrangements that will result from the amending bill will lead to the Canberra Racing Club saving more than \$600,000 in insurance premium costs per year. That is a welcome measure and a terrific outcome after a fairly difficult period for the industry.

There are amendments, which I have seen today. There seems to have been a breakdown in communications on this side of the chamber and possibly the other, but the wrong shadow minister was briefed on this particular issue and I have not had much time to consider the amendments. But, thanks to the officials and their prompt response to inquiries from my office a short time ago, I feel that the amendments that are to be put forward are based on legal advice and a rapid examination of them would suggest that there are no issues. I understand that my people have been in contact with the local racing club and there is support for what is contained within these measures. On the basis of the information we have and my own personal contacts with the racing industry, I am pleased to say that we will support the bill and we will support all the amendments that have been circulated today.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.42), in reply: Apropos of nothing, I congratulate Mr Smyth and Mr Mulcahy on their dress sense. It seems that the corporate wardrobe has come out today.

I thank the opposition for its support. First of all, I refer to any reference to delays and cancellations. Let me say that, during this particular problem that the racing club faced, the government was in constant touch with them and was, in fact, regularly assured that an agreement with New South Wales was imminent day by day and that no legislation was required to facilitate that agreement. So any delay has really been a case of the sorting out between the Canberra Racing Club and RacingNSW and I am sure that they would very happily support that summary of what occurred. I do want to congratulate our own insurance authority, especially Mr Tom McDonald, who is in the house today, on the work done on the process that we were able to put in place. We were able to provide accident insurance for the racing club, which is basic insurance, and the government decided that it would underwrite catastrophe level insurance while an agreement was being finalised and reached.

That agreement was reached some time ago and all seemed clear but, although Mr McDonald is a lawyer, he does indulge me enough to allow me to say “bloody lawyers” from time to time. We have gone from what was originally an assessment saying that we did not need a legislative base at all to allow New South Wales to cover ACT jockeys under the facilitation bill that we tabled initially through to a bill that is really only being extended to provide comfort to RacingNSW in terms of the definitions that would certainly enable them to cover the jockeys.

I think that everybody, those that take an interest anyway, understands that we work hand in glove and that ACT jockeys are licensed in New South Wales and we work within the insurance umbrella that covers New South Wales generally and we work within the risk management guidelines of RacingNSW. So there is a high degree of compatibility and overlap. The final agreement that we are now reaching is, I think, satisfactory to all. Mr Stefaniak has taken an interest in this issue. I think his first interest was the day we were announcing an interim agreement and all of a sudden out popped a press release saying that the government should do something. I do not know whether he had been asleep at the wheel for a couple of months or whether he was just trying to

pinch a little credit or take the gloss off the government's good work, but that was the first we saw of anybody from the opposition taking an interest in it.

Nevertheless, I think you will find that the Canberra Racing Club is very pleased with the relationship that it has built with government and I think that it is very pleased with the relationship that it continues to have with RacingNSW. There are probably one or two more hurdles, excuse the pun, to negotiate before we are finally there, but we are pretty close and I am reasonably confident that the Canberra Racing Club will be standing on its own feet very shortly and working, as it does, closely with RacingNSW. I thank the opposition for its support of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.47): I seek leave to move together amendments Nos 1 to 4 circulated in my name.

Leave granted.

MR QUINLAN: I move amendments Nos 1 to 4 circulated in my name [*see schedule 3 at page 611*]. I present a supplementary explanatory statement to the government amendments.

As I have just explained, the amendments are about fleshing out and giving comfort to RacingNSW within the framework of the original bill. They are, effectively, a rewrite, but they are an expansion of the original bill. They are more definitional and the adding of a degree of precision as opposed to changing the bill in any form. They have been vetted by layers of lawyers and we have been assured at all levels that there is agreement that the bill is a workable piece of legislation that achieves what we set out to achieve.

MR MULCAHY (Molonglo) (11.48): Mr Speaker, as I foreshadowed, the opposition will be pleased to support these amendments. I come from a family of lawyers and, as a non-lawyer, I share the Treasurer's view of them, but we will not go there. Mr Speaker, I would also be interested, subsequent to this debate today, in hearing a little more about what remaining hurdles exist and in being comfortable, before the Treasurer chooses to retire, that maybe this whole matter will be settled, as the current coverage runs to 31 March. It sounds like we are going through the final stages, but it would be nice to see this thing completely settled and signed off before the end of the month.

Amendments agreed to.

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

Bill, as amended, agreed to.

Workers Compensation Amendment Bill 2006

Debate resumed from 16 February 2006, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (11.50): The opposition will support this bill, but I take the opportunity to make some comments about the increasing cost burden of workers compensation insurance in the ACT. The purpose of this bill, as was outlined by the minister, is to clarify the effect and overcome some flaws in the current act. I thank the minister and her office for their continuing practice of giving us advance notice and providing us with a briefing on legislative measures that relate to my shadow ministerial responsibilities, which enables us to clarify issues. That occurred on this occasion when there were some matters that we identified that needed examining.

The purpose of the bill, as I indicated, will ensure that all family day care and in-home carers have the same entitlements to workers compensation; it allows access to workers compensation for women up to the age of 65 years; it corrects an anomaly relating to the value of weekly earnings prior to a person becoming incapacitated; and it ensures that rehabilitation treatment is part of the compensation covered by insurance. There are a few other amendments, but they are consequential amendments and certainly are not controversial.

At present most carers are employed under the Family Day Care (ACT) Award (1999) and, as employees, are covered by the Workers Compensation Act. However, carers who work on contract with Communities@Work, an incorporated organisation, are not employed under the award and are not covered by workers compensation insurance. The legal advice is: first, those carers work strictly according to the manual of procedures under the close direction of Communities@Work, including specific details of receipts and payments as required for commonwealth government funding; second, they do not plan and direct their own work; and, third, there is no scope for negotiating any independent contractual arrangements different from those applying to employees. I understand that, as a result of that advice, those carers come within the definition of “worker” for the purposes of workers compensation.

This is a complex area of law. It has been debated extensively for the last 46 years, as far as I know, in High Court cases, on the matter of what is deemed—it sounds archaic—the master-servant relationship, which is a tax definition to basically try to determine whether you are an employee or a contractor. Obviously there are many legal issues intersecting between Australian taxation law and industrial law and workers compensation provisions. But on the tests that seem to be applied to this particular class of individuals, the government are correct to deem them workers. That is the legal advice they have. Those carers will now come within the definition of “worker” for the purpose of workers compensation.

The rationale of the legal advice, I understand, is that carers in these circumstances do not have any freedom to determine terms and conditions of doing the job; so, in effect,

they are employees. The difference is that they are not insured for accidents. In order to ensure that all carers are covered, the amendment, clause 16A, allows the minister to classify carers who work for Communities@Work or other such organisations as workers for the purpose of giving them workers compensation coverage under the act. It is important to note that the classification of worker in this case only applies for the purpose of the Workers Compensation Act; it is for those in other areas of government to deal with the other issues.

There is an anomaly in the present act which, for people approaching retirement, results in workers compensation benefits being greater for men than for women. This apparently occurs because men qualify for the pension at the age of 65, whereas women qualify between ages 60 and 64 years and six months if they were born prior to 1948. The effect of this is that a woman born before 1948 who is insured for more than two years before a pension age has a shorter period of entitlement to workers compensation benefits than a man with the same injury. This anomaly is resolved by replacing the words "pension age" with "65", and that is in clauses 9 and 10.

Another anomaly is the conflict between sections 39 and 42 of the act. Section 39 provides for the value of compensation payments for up to 26 weeks of partial incapacity to be the difference between, one, the worker's average wage before the accident and, two, the wage after the accident or the amount he or she could earn in reasonably available suitable employment. The words "the amount he or she could earn in reasonably available suitable employment" were inadvertently omitted from section 42. This bill corrects that error.

I have had discussions with my office. There is some scope for interpretations other than what we were advised was the intent of these amendments through those provisions. But given the advice we have had from the government, we will support those and accept that the intent of those amendments is as advised.

On the question of whether workers compensation covers rehabilitation, an ACT Supreme Court decision has questioned the liability of an insurer to pay rehabilitation expenses as the act was drafted. This was in the matter of Cassandra Ann Andrikis v the Nominal Defendant, a decision of 11 June 2004. Section 70 is amended to clarify that rehabilitation is covered by workers compensation insurance.

Of course the downside of the amendment to deem carers who currently work on contract with a family day care or in-home care provider to be workers for the purposes of the act is that there will probably be an increase in charges, although the amount has not yet been determined. That cost must of course be weighed against the carers in question having no insurance cover, which is a situation that we cannot countenance given that they are clearly employees. But that extra cost still must be acknowledged, which is a consequence of these changes.

I have expressed concern in previous debates on workers compensation and occupational health and safety matters about the high and rising cost in the ACT. I would like to see the minister apply greater focus in using her influence to drive down the cost of workers compensation insurance. It is an issue on which I receive a number of calls from members of the public, and there are obvious disparities between ourselves and other jurisdictions that are regularly cited to me by constituents.

The basic problem stems from the history of occupational health and safety and workers compensation arrangements, which has found its way into legislative structures. A key feature of those structures is the prevailing culture of presuming employer guilt at the workplace. I have spoken on this on other occasions.

Both OH&S and workers compensation arrangements take as their starting points the element 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 workplace relationship. This is not the case, as we all know. In contrast, the employee is in most respects assumed to be witless and powerless. I have cited previously here, from my own career, first-hand examples of where clearly an employee may significantly or entirely contribute to their own injuries through measures they have taken without the knowledge of their employer, even with appropriate systems in place.

When a work injury occurs, the employer, however defined, is held to be responsible for the injury, and employees are assumed to have diminished capacity to control their work environment and, when an injury occurs, are therefore assumed to be blameless. The truth is, of course, that employers have some control, but so too do employees and many others, including unions, suppliers and government authorities, to mention a few. Of course the essence of the problem in this area is that the person paying the insurance premiums—that is, the employer, however defined—does not receive any benefit of any claim but suffers the loss resulting from a claim made by someone else. That is a fact of life.

Under normal or regular insurance, normally the person paying the premium is the person covered and is the appropriate person to receive the benefit in the event of a claim. Distorting things about how work control in fact operates and about responsibility for accidents diminishes community trust in fairness and justice of work safety. It causes people to spend time and energy trying to avoid the injustices of laws. I suggest it reduces the effectiveness of public policies targeting safe work practices.

WorkCover authorities claim they investigate fraud—and I am sure they do—but 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 as work related. There are many examples where that has occurred over time. One would be naive to assume that it has not gone on.

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 effectively falls on the employer, an almost impossible task, and sometimes the insurers ultimately. And to make matters worse, some actions of the medical profession are complicit in fraudulent claims. Most medical professionals charge more for a workers compensation consultation than for other consultations. I really do not sympathise with that conduct.

I drew this issue about doctors to the attention of the national media some years ago. I was aware of some statements coming from medicos to justify every range of ailment to support sick claims which people were more than happy to shift back onto the

employers when often the so-called ailment had no bearing on what their employment was all about.

As was identified in a particular current affairs program—it may not be the fount of all authoritative knowledge but in this case it was pretty good; they went into 24 doctors surgeries—in many instances, people were getting certificates for all sorts of so-called injuries or claims that often related to a social commitment that they had to deal with. It certainly behoves the Australian Medical Association also—and I hope the minister might engage in some dialogue with them—at some point to lift their game in providing some leadership to their members to bring an end to some of these unacceptable practices.

Non-declaration also to employers by employees of prior injuries is standard. If the injury recurs, 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 whether 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 increase operating costs. I suggest that they do so to an extent that needs to be tackled by this government and by the minister. They dampen productivity and constrain business success.

Further, the key national priority that is targeting safe working arrangements and compensation for genuine injuries across Australia is clearly compromised, for the reasons I have outlined. The culture in the workplace 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. I am not saying employers are without blame in this situation. Obviously there are many cases where that has also occurred. But only through this process can Australia drive towards truly safe work environments.

As I said earlier, the minister is in a special position to correct the unreasonable and costly bias in the present arrangements. It behoves the minister to tackle the issue of workers compensation costs, to review what is going on and ensure that we get the ACT back on a competitive basis in terms of those premiums. The challenge that is before us here is to reverse this trend in Canberra where it is seen as not a great environment in which to do business because of these costs. Investment is forgone and jobs evaporate because of the OH&S and workers compensation rorting that has occurred.

Certainly let me take this opportunity in summarising or in concluding to highlight the fact that dovetailing with this approach on workers compensation is also an unhealthy interest on the part of the territory government to work out more and more ways of catching contractors. I have acknowledged that this particular set of measures can be defended—and it is appropriate—but I am regularly troubled that there is an underlying theme that comes through in the territory's legislation that seeks to bring independent contractors under more and more scrutiny. Whether it be through inspecting records, as we discussed the other week, or through other means, I believe that the double-whammy effect of having very high workers compensation premiums and trying to lock in contractors more and more and trying to classify them as employees has many downside

aspects, despite the very clear objective of the CFMEU to change the balance in the territory's industrial arrangements.

The opposition certainly will listen with enthusiasm to what the minister is going to do to address some of the problems I have outlined. As I have indicated, we are supporting this bill.

DR FOSKEY (Molonglo) (12.05): I look forward to reading Mr Mulcahy's very detailed, informed and, I think, probably even scholarly speech in *Hansard* later. I understand that the ACT private workers compensation scheme is not a scheme that echoes or is borrowed from other jurisdictions. It was developed to address the particular limits of the ACT. After a long and elaborative process between all stakeholders, the scheme was designed with an emphatic focus on rehabilitation, a more simplified claims process, the protection of common law rights and a broad definition of "worker" under the scheme.

It is an example, in my view, of the benefits of minority government in that the Liberal government, in wanting to get a complex scheme through this Assembly, knew it would have to work with the range of stakeholders and that many careful modifications were then made to the bill through the combined efforts of the opposition and the cross bench. I am pretty sure that the workers of Tasmania would be happier with the ACT's scheme than the one being imposed upon them by the Lennon Labor government. This is basically a fix-up bill which addresses discrepancies and difficulties that have recently emerged. Given this is unique legislation that has been quite groundbreaking in Australia, that should not be any surprise.

The most interesting of these amendments, in my eyes, is the specific inclusion of family day care and in-home carers. The Workers Compensation Act, if unamended, probably puts the onus on carers to provide the workers comp coverage for childcare workers where those workers are not otherwise covered by their employers or agencies. As it happens, only one out of five agencies in the ACT do not employ their workers under the family day care award, and that agency is Communities@Work, the Tuggeranong and Weston Creek community service.

It is worth recounting the sequence of events. When it became clear that Communities@Work might need to take out insurance to cover family day care and in-home childcare workers and it asked for those workers to be excluded from the requirements of the act, it would have meant that those workers would not have had any entitlements to workers compensation. Apparently, that is how it works in most places around the country. Workers need to pay \$1,000 a year from their own quite small wages for income protection; something else again, presumably, for medical coverage; and, maybe, something else again when it comes to rehabilitation. Indeed, that is why the ACT scheme was structured to try to ensure that those workers are covered.

It would have been interesting to see whether the courts would have found Communities@Work responsible if one of their workers suffered a workplace injury. However, that was a risk that the ACT government did not feel inclined to take. So the amendment in this bill puts the issue beyond doubt.

As community organisations get bigger, there is often a greater level of efficiencies and professionalism. However, that more businesslike approach has other side effects. It is disappointing that putting the onus back on the workers to look after themselves was, it appears, the first resort of a large community organisation.

I have similar concerns emerging from Koomarri's approach to the Narrabundah long-stay caravan park and its long-term residents. I wonder whether we all need to look more closely at social cooperatives as a model for service delivery rather than incorporated associations who, by their very structure, are inclined to focus more on their viability as an organisation than on the quality of the purpose of their activities. In any event, that sequence of events certainly makes it clear why I will be supporting this bill.

The other amendments I see as uncontroversial, at least in the context of the act. Clearly it has been argued in court that an insurance company might not have had a liability to pay rehabilitation expenses, despite the strong focus on rehabilitation in the act. The underlying premise of this scheme, based on medical evidence and information from the insurance industry, is that an active approach to rehabilitation delivers a much better result to the industry, to the injured worker and to society overall. Amending the act will absolutely ensure that rehabilitation costs are covered by workers compensation and, therefore, it should be a cut-and-dried matter.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (12.10), in reply: I begin by saying that this is hopefully the last workers comp amendment bill to come before the Assembly for some time so that we are saved from Mr Mulcahy's musing on workers compensation and his views on the evils of employees fraudulently ripping off their bosses by getting injured at work. This is the second time we have heard that speech. I thought he would manage to get through the debate without reverting to it, but it was not to be.

The Workers Compensation Act 1951 creates a workers compensation scheme for workers in the ACT private sector. The act provides workers with compensation for injuries arising out of or in the course of their employment. The bill we are considering today, the Workers Compensation Amendment Bill 2006, makes a number of small but important changes to the act to improve consistency throughout the act and makes it fairer and more effective.

A number of amendments in the bill have been suggested by the Workers Compensation Advisory Committee. I appreciate the work and commitment of that committee in working with us to improve the ACT workers compensation scheme. A further amendment is a result of correspondence between a commonwealth-approved family day care and in-home care service and me.

This bill will ensure that women and men have the same access to workers compensation benefits under the act. Under the act, workers compensation payments generally cease once the worker reaches his or her pension age. The pension age is currently defined by reference to the commonwealth's Social Security Act. Under that act, men reach the pension age at 65, while women born before 1948 reach pension age between the ages of

60 and 64 years and six months. This bill overcomes this disparity by replacing references to the pension age with a reference to the age of 65 years.

The bill will also rectify an anomaly in the way compensation payments will be calculated when a worker remains partially incapacitated for 26 weeks. Under section 39 of the act, as amended by the Workers Compensation Amendment Act, the amount of compensation a worker is entitled to during the first 26 weeks of injury is calculated as the difference between the average pre-incapacity earnings and the average weekly amount the worker is earning or could earn in reasonably available suitable employment.

After 26 weeks, the calculation of the amount of compensation that a partially incapacitated worker is entitled to does not take into account the income that the worker could receive from reasonably available suitable employment. The amendment to section 42 will ensure that it is consistent with section 39 and that earnings from reasonably available suitable employment will be considered in calculating payments. This should encourage injured workers to undertake suitable work where it is available. It is consistent with the general policy objective of the act of using rehabilitation and return-to-work programs to enhance recovery and thereby reduce the costs for employees, employers and insurers of workplace injuries.

Most stakeholders in the workers compensation scheme have operated on the basis that the costs associated with rehabilitating an injured worker to enable them to return to work are compensable under the act. A Supreme Court decision in 2004, however, found that the cost of rehabilitation is not compensation payable under the act. While the decision recognised that the act required employers to provide occupational rehabilitation, this was seen as discrete from the obligation to pay compensation.

Rehabilitation programs are of essential importance to the ACT workers compensation scheme, which aims to minimise the duration of injury through early rehabilitation, thereby reducing the costs of work-related injuries. While the Supreme Court decision casts doubt as to how rehabilitation costs will be compensated, it is understood that insurers and employers have generally operated on the basis that these costs could be recovered. It is therefore reasonable to assume that insurers have factored this into policies that have been negotiated with employers since the 2002 amendments were introduced.

The bill will clarify this situation and will ensure that workers continue to have access to rehabilitation programs. This is achieved by clarifying that employers are liable to compensate workers for the costs of rehabilitation services under the worker's personal injury plan. This will ensure these costs are recoverable and will encourage employers and insurers to continue to provide high-quality and meaningful rehabilitation return-to-work programs.

The bill also addresses the uncertainty that currently exists with family day care and in-home carers who are registered with but not employed by a commonwealth-approved service. The service considers that these carers are self-employed, and this has created uncertainty about where responsibility for obtaining workers compensation for the carers lies. The bill will allow the minister to declare that family day care and in-home carers registered with commonwealth-approved services are workers for the purposes of the act, either on request from the service or on the minister's own initiative. This will allow all

ACT family day care and in-home carers registered with or employed by Australian government-approved services to have the same entitlements to workers compensation across the ACT. This will not affect the employment status of registered family day care and in-home carers for any other purpose.

There may be some increase in costs that flow on to the parents but this is creating a level playing field across the territory because currently every other family day care service is providing that level of insurance for their carers. So the costs across the ACT should be the same; everybody gets treated equally; and, importantly, a very low-paid workforce, predominantly women and predominantly women from non-English speaking backgrounds, are getting the level of protection that they deserve by being covered for workers compensation in their home. This bill will support the policy objective of the scheme by reducing the length and duration of injuries, ensuring that all workers have equal and consistent access to workers compensation and quality rehabilitation services.

There is a difference between our workers compensation scheme and others around the country, which means that our premiums are often higher than those in other jurisdictions. One of them is the fact that we have a fully funded, privately underwritten scheme which New South Wales does not have. New South Wales's unfunded liability at the moment is extraordinary. It is around \$2 billion, I think, of unfunded liability. There is a big difference there. We have got a small pool. Under the act, I have the capacity to write to insurers and ask them, inquire, as to how they set their premiums, particularly where they—

Mr Mulcahy: Good luck.

MS GALLAGHER: As Mr Mulcahy says, good luck. I wrote to them.

Mr Mulcahy: Good luck to you.

MS GALLAGHER: It was good luck to me. The level of response I got was from a one-page "thank you for your interest, minister" to about 300 pages, from one insurer, of mathematical equations that you would have trouble deciphering if you asked a professor of mathematics to untangle it for you. So I would have to say the level of response is probably not very satisfying or certainly not enlightening about how they set their premiums, but all the insurers assure me that the setting of their premiums is not unreasonable. I do not necessarily agree with that but, in terms of any other power to regulate premiums, I do not have those options open to me.

Mr Mulcahy talked about the possible level of fraud by employees. I imagine it would be on par with every other level of insurance fraud. There is going to be some fraud, but I do not think we can sit here and say that it is a regular occurrence, that employees are doing this all the time or that, by being injured, it is of benefit to them. The benefit, of course, to the employer in having workers compensation, while they are paying for something that might not necessarily directly benefit them, as with home insurance or contents insurance, is that their worker is looked after, that they return to work, that their injury is taken care of and that that does not come at an additional cost to the employer. I guess there are some differences of opinion there.

As I said, in order to save ourselves from further musings on workers compensation and all things workers compensation, hopefully this will be the final amendment bill for the time being. I thank members for their support today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Road Transport (Public Passenger Services) Amendment Bill 2005

Debate resumed from 15 December 2005, on motion by **Mr Hargreaves**:

That this bill be agreed to in principle.

MR PRATT (Brindabella) (12.20): I am resuming debate today on the government's Road Transport (Public Passenger Services) Amendment Bill 2005 tabled by Mr Hargreaves in December. Whilst I will not go through in great detail all of the aspects of the government's bill, because many of these are self-explanatory and straightforward, I will now highlight some areas that should be further discussed.

The opposition, whilst supporting the bill in principle, is concerned at the onerous nature of the requirements on a demand-responsive service provider under this piece of legislation. For example, let us look at the explanation for new section 95 in the bill, which says:

New Section 95 provides for regulations about the operation of demand responsive service vehicles and provides examples of what types of provisions may be included. These examples include the use of the service by people including the payment of fares, where the services can operate, how passengers are picked up and dropped off, record keeping, the transport of luggage and animals, and passengers not being allowed to stand if the service is a bus. Other examples include, maximum speeds, payment of fares, vehicle equipment, the use of various parking zones, signage on the vehicle, use of decal signs and livery, drivers dress standards.

This means that even the types of stickers that might be put on the outside of a vehicle are to be dictated by the government. While I can certainly agree that there have to be standards in place and the government needs to be happy that a service provider is not some Nimbin-style forest bus, which would look slightly out of place in the ACT landscape, I wonder whether perhaps they are a bit too tight on these requirements. Is it an unnecessary imposition? I would be very happy to hear what the minister might say in response to that and whether he thinks that we are overly concerned or not. I would like to see a justification of why we need that depth of control on the standards of the exterior appearance of these vehicles.

In fact, the onerous nature of the requirements on a service provider under this legislation might deter providers rather than allow them to enter the transport market. We would like to see prospective owners feel confident that they should enter the market, because that is very important for all of us. It clearly will provide a much better service for our community if we encourage competitors to at least enter the market to supplement existing services. I understand that the minister's bill is all about supplementing existing services, not replacing them. That is an argument we might have on another day, but at this point we are prepared to accept the spirit of this bill, which seeks to allow providers to supplement existing services, not necessarily compete them out of existence. Another area of concern is the explanation for new section 93, which says:

New Section 93 requires the Minister to determine minimum fares or ways of calculating minimum fares for demand responsive services.

This seems to be inconsistent with existing fare-setting requirements for other public transport services in the ACT which are regulated by reference to the Independent Competition and Regulatory Commission, the ICRC. I will use the term "ICRC" from this point onwards. The minister, under current laws, must make reference to the ICRC when setting fare prices for ACTION and the taxi industry. However, in this demand-responsive transport bill, it is the minister who has the sole authority to determine minimum fare levels. I have just had a talk to the minister, or at least he was gracious enough to come and track me down, about the amendment that I would like to put here today to perhaps correct what is a concern. I understand the minister's explanation how giving him the power to set the determinations on fares for community demand-responsive services, rather than sending that determination to the ICRC, would save his department expenditure by circumventing the ICRC.

Mr Hargreaves: Saving the operators.

MR PRATT: If you are talking about loading it down to the operators, that might be another concern.

I accept the spirit of his assurance that he would seek to determine minimum fare levels. He said to me that he would seek to determine minimum fare levels for each of the service applications. I accept that he is quite fair dinkum in trying to allow some competition but, on reflection, I still think it would be appropriate to allow the demand-responsive service applicants to have their applications determined by the ICRC. If the minister in his closing speech tells us that that is going to be an impost or a cost that is passed on to the provider, let us see how that pans out in the nature of this debate.

Mr Hargreaves: It is minimum in the bill.

MR PRATT: Okay. I have decided here, despite the late briefing that I have received, that we would still want to see this bill amended to allow this determination to be carried out by the ICRC. So I will put forward an amendment to section 93 to ensure that the minister must make reference to the ICRC when determining minimum fare levels, to keep this new legislation consistent with the requirements for other current transport arrangements in the ACT.

I understand, however, that the government will not be supporting my amendment today. Clearly they will not. I thank them for the advance notice of that. The explanation given by the government is that the demand-responsive market will be open to anyone. While the ICRC sets the maximum fare levels for ACTION and the taxi industry, it does not have the right to set minimum fare levels for free market competition providers. In contrast, the government wants to be able to set minimum fare levels for the new provider so that they cannot undercut ACTION with cheaper minimum fares. Opening it up to free market competition would mean that if a provider wants to undercut an existing service, and can manage to do that and survive bankruptcy, then that is their choice.

The government, in turn, would have to revisit their pricing of the existing bus or taxi services to see whether that needed to be reviewed and even dropped under ICRC recommendations. That is probably a much, much better mechanism. That mechanism will provide a much more viable and a more options-based service to the broader community, and that is what free market competition is all about.

The opposition will be supporting Dr Foskey's amendment as it basically amends new section 83 (3) in the government's bill to allow the minister to still issue authorisation for a demand-responsive service as long as he has considered the impact on the existing service, whereas the government's bill says that the minister must reject the proposal if it has an adverse impact on existing services. We would like to see the minister given the flexibility because perhaps there are cases which are far different to other cases. Why be stuck in a rigidity because that happens to perhaps serve the department's best interests? Let the minister make those determinations.

Dr Foskey's amendment allows for some leeway for new providers into the demand-responsive transport market where there might be a minor threat to the current transport provider but not so much of a threat that some form of competition should be rejected. This new competition might further stimulate the market and actively serve to improve things for the current provider in the long run. It may even give a little more incentive to ACTION to add value to a particular service. That is also a very good thing.

To sum up: this legislation is at least a start—it is a good start, too—to improving and expanding the transport market in the ACT by opening things up to alternative providers of demand-responsive transport services, but it falls short of the mark in terms of opening the transport market up to encourage genuine free market competition as the demands on any new provider under this proposed legislation are endless.

The opposition will be supporting the government's bill today. We will be supporting Dr Foskey's amendment and, of course, our own amendment. The opposition wants our strong concerns about the onerous nature of the requirements on any demand-responsive service provider under this piece of legislation to be especially noted. I hope that the government would revisit these requirements at a later date and consider making them less daunting for anyone trying to enter the demand-responsive market.

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 12.30 to 2.30 pm.

Questions without notice

Hospitals—safety

MR SMYTH: My question is directed to the Minister for Health. Minister, in question time yesterday, I asked you why the sentinel rate of events in the ACT, at 2.7 events per 100,000, is so much higher than the rate of New South Wales at 0.46 and Victoria at 0.6. In your reply you claimed that:

It is simply not believable to say there have been only 30 sentinel events in a health system that serves a population of approximately six million. It is simply not believable. We do not accept the level of reporting that occurs in New South Wales.

However, the figure of 31 sentinel events for New South Wales and 30 for Victoria is reported in the Productivity Commission's *Report on Government Services 2006*. Minister, are you claiming that New South Wales and Victoria have deliberately provided misleading information to the Productivity Commission? What evidence do you have to back this claim? Will you table that evidence in the Assembly today?

MR CORBELL: No, I am not claiming that the New South Wales and Victorian governments have in any way sought to deliberately mislead anyone. All I am saying is that the advice I have from my department is that the reporting arrangements in place to monitor sentinel events in public hospital systems in New South Wales and Victoria are not as comprehensive as the arrangements we have in place in the ACT, and that there is a significant level of underreporting in those two jurisdictions.

But I am not attributing any deliberate action on the part of the New South Wales and Victorian governments in this regard—just simply a failure of their systems to adequately monitor the overall level of sentinel events.

MR SMYTH: Mr Speaker, I have a supplementary question. Minister, when will you concede that we have a high rate of sentinel events in the ACT and unsafe, overcrowded hospitals because of the failure of your government's health reforms?

MR CORBELL: I will not concede that, because it is not true.

Focus on business convention

MS PORTER: My question, through you, Mr Speaker, is to the minister for economic development, Mr Quinlan. Can the minister update the Assembly on the progress for Canberra's 2006 focus on business convention?

MR QUINLAN: Thank you, Ms Porter. Let me say that the focus on business convention has grown to become Canberra's top business convention. It has really matured into a well-respected, well-attended event. It really has been built up by this government from its small beginning to a truly substantial event that attracts international attendance.

I am pleased to announce today that this year's focus on business convention will be attended by Mr Michael Ahern TD, the Irish minister for commerce and industry, who

will be leading a delegation to Canberra for the focus on business convention later this year. This is great news for Canberra and is a direct result of the trade mission which I led to Ireland and the UK in October of last year, when I met with and lunched with, I have to confess, the minister.

Mr Mulcahy: Coat-tugging.

MR QUINLAN: I was going to say that. At the risk of being accused a coat-tugger, I just happened to be sitting between the Irish minister for commerce and industry and the Australian ambassador, Mr John Herron, with the finger crooked around a glass of semillon. The things you do—dining for your country, I suppose it is called.

It is a coup for Canberra and a coup for the focus on business convention that the minister for commerce and industry from the Celtic tiger will be attending the focus on business convention this year. The international relationships that we have built have virtually been part of a strategic approach rather than a hit-and-miss approach.

I will do a bit on name-dropping now. The number of people that we now have direct links with and who are possible attendees at the focus on business convention this year include: Tim Priest from the greater Washington initiative; Greg Horowitz from the University of Southern California, San Diego—global connect is the suborganisation he is part of; Rohit Shukla from LARTA, the Los Angeles research and technical alliance; Mr Geoffrey Dale from the Ottawa Centre for Research; and Mr Anthony Wong, who is the commissioner for innovation in Hong Kong. I met with him this year as well. Let me say that Mr Wong has something of the order of \$US500 million to build up innovation in Hong Kong and is very receptive to dealing with the outside world, in fact, but is certainly receptive to dealing with businesses from the ACT.

What this amounts to is a genuine benefit in the investment we have made in building relationships that will, in the future, provide doorways, openings and avenues for ACT businesses. These relationships are not built without effort and are not built without going to these places with something to contribute, something to exchange—possibly your economic white paper or a strategy that you are working with, and businesses that support and are benefiting from it.

I am sure the opposition realises that you can get a bit of political mileage from time to time in this place out of talking about ministers off on overseas junkets. That has certain populist appeal. I suggest to the opposition, in my last question time here, that they might think twice about that and maybe tone that down a bit and realise that it is necessary to go and build those relationships.

Opposition members interjecting—

MR QUINLAN: Would you like to come to a function next week to be put on by the exporters network? For some reason, they are getting together. I will see whether I can wangle an invitation for the opposition to come along and see what the business sector and exporters in the ACT think of what the government has done since it came to power and how much of a difference has been made in that particular time.

Red Hill

MRS BURKE: My question is to the minister for housing. There is a distinct and long-awaited need for an announcement on the future of the Red Hill precinct, including the multiunit public housing complex. There is also a distinct need for improvement in the amenity and safety issues for the area. In your capacity as both police minister and housing minister, what are you doing, firstly, to rejuvenate the multiunit public housing complex, to the benefit of residents and nearby neighbours alike? Secondly, how are you seeking to engage with the shopkeepers and business owners at Red Hill to resolve their concerns about safety and security that are resulting in a downturn in their businesses?

MR HARGREAVES: Officers of the Department of Disability, Housing and Community Services have been in fairly regular dialogue with people who live in the Red Hill multiunit complex. They will continue to do so, they say. They will continue to develop with them plans for the rejuvenation of that complex. We will do things that the opposition does not do and has never done, that is, talk to people. With respect to the safety of the precinct, I reiterate the offer I made yesterday, that is, to have continued dialogue between the traders in that area and the ACT police.

MRS BURKE: Given that the community has been waiting over three years for this information, when is an announcement expected on the future of the public housing complex and, more broadly, what is known as the Red Hill precinct? How is the planning minister assisting you with this matter?

MR HARGREAVES: I will answer the last question first. The planning minister and I speak quite regularly on issues pertaining to amenity and to the visions that the minister has with respect to the provision of affordable housing in this town. In fact, I am very pleased to say to the house that it is due to this minister's vision that I have been able to achieve what I have done so far, which members opposite will decry but that is bad luck because, as usual, they have got it wrong. With respect to the rest, I have already answered the question and I do not propose to do so again.

Budget—spending

MR MULCAHY: Mr Speaker, my question is to the Treasurer. When he is the last batsman defending the precious budget wicket, can he pick a bosie, doosra or flipper from a big spending minister? What does he do to prevent the ball slipping through the gap between bat and pad? If he gets a loose ball down the leg side does he smack it over the boundary or just let it go through to the keeper? And has he ever been run out by a colleague?

MR QUINLAN: The answer to the last question is that certainly I have been run out in the true sense, probably because of my own fault rather than anybody else's. Let me tell you that in my time on the cricket field I have never been a patient batsman. But I do welcome the opportunity to say that I did play in the match to celebrate the 75th anniversary of Manuka oval with some real cricketers, and took five-for.

Members interjecting—

MR QUINLAN: True story.

MR MULCAHY: Mr Speaker, I thank the Treasurer and ask a supplementary question. Does the Treasurer bowl and, if so, how does he get a big spending minister caught out?

MR QUINLAN: As I just said—and I am happy to repeat this—at my last official appearance in the creams I took five-for. In terms of being caught out, usually the bowling is penetrating enough to make most of the fielders superfluous.

Policing—response times

MR PRATT: My question is to the minister for police. Minister, you have repeatedly accused the opposition of scaremongering in relation to community concerns about serious crime problems and a shortage of police resources in Canberra. In fact, in question time yesterday you said, “What they have done is pull out one particular one and try to scare the horses—yet again.” You also said, “I am sick to death of these people opposite frightening people to death.” There is lots of death there!

Minister, the following is a litany of serious incidents that have occurred in Canberra in recent weeks about which the community has expressed their own fears and concerns and which have been reported independently in the media. There have been seven burglaries in three weeks and a spate of vandal attacks at Erindale shops; harassment, robberies and vandalism at Red Hill shops; large crowds of rampaging youths at Tuggeranong Hyperdome; a daylight armed robbery with AK47 shots fired at Kambah shops; a daylight armed hold-up at a Manuka credit union; a gang assault by eight men on a 29-year-old man at Woden—

Mr Stanhope: Is there a question here somewhere?

MR PRATT: You can gag that if you like, Chief Minister. There was a robbery and attack on an 85-year-old woman in Chisholm; the brutal bashing of the son of a Libyan diplomat in Pearce; an early morning ram raid of a bottle shop at Curtin shops; Red Hill residents feeling under siege due to a spate of burglaries; the armed robbery of three women in Campbell by two perpetrators—

Ms MacDonald: On a point of order: standing order 117 (a) requires that questions be brief and relate to a single issue. Is Mr Pratt going to get to the question, because he does not seem to have got to it? It is certainly not brief.

MR SPEAKER: The issue is about policing and Mr Pratt is providing some background to the question. I am sure he is just about to conclude the background and get on to the question.

MR PRATT: As I was saying, there was the armed robbery of three women in Campbell by two perpetrators.

MR SPEAKER: About now would be a good time to get on to the question.

MR PRATT: This could be three metres long; therefore it is brief. Finally, a Red Hill resident was robbed at knifepoint while walking his dog. Minister, what is your response to these many instances of criminal activity?

MR HARGREAVES: Mr Pratt conveniently does not add to his question the success rate of the police in addressing those sorts of issues. He also does not offer ways in which we can prevent those sorts of one-off crimes. He merely says that they are out there and that people should be afraid in their beds.

I do not resile from my accusation that the opposition, led by this particular member, is scaremongering and whipping up fear in the community. I think Mr Stanhope completely demolished Mr Pratt's credibility yesterday, as indeed did I yesterday, when I revealed the actual facts of incidents brought into this place and exposed the scaremongering picture perpetrated by Mr Pratt. I noticed, in fact, yesterday that when he was asked to table all the information on a certain three incidents he was only able to table one page. When one has a good look at it, it shows a dereliction of duty by the member across the chamber with respect to his assistance to the police in addressing that particular issue. If people want me to go into those details, they can get to their feet and ask me a question about that.

I have to say again that I do not resile from the accusation of scaremongering. I do not ever see anything by way of cooperation from Mr Pratt. I do not see anything from Mr Pratt other than, "You don't have enough resources." I do not see anything from Mr Pratt suggesting that the way in which police go about their business is efficacious. Apart from the odd tiny little motherhood statement, I do not ever see him saying that the police officers out there are doing a great job. I do not see anything from Mr Pratt—and it would be, I think, a responsible thing in this place—to come up with ways in which we can allay the fears of the community about these incidents. I have, in fact, on occasion—

Mrs Burke: The community are wrong, John. They must be.

MR SPEAKER: Order, Mrs Burke!

MR HARGREAVES: I have accused Mr Pratt of trawling through the garbage bins of history trying to find a little incident to sustain his case, and he has done it again today. ACT Policing has a particularly good record for resolving and reducing crime. The Stanhope government has introduced an extra 60 police into the force since coming to office. We are now at 90 something million dollars worth of resourcing, up from 60 something million dollars when these guys left office.

Operation Allied is probably the most effective process of addressing crime. I do not see anything in the way of constructive criticism at all from Mr Pratt. All he ever does is stand up in this place and say that there are rampant gangs running around the town—rampant gangs! Then, when we actually look into that particular accusation, we find it to be baseless.

I would say very sincerely to the people out there in the ACT: please use the systems available to you. Use the Crime Stoppers number. There is an intelligence-led policing

process. Use ACT Policing to the best of their ability to assist you. Do not take a blind bit of notice to whatever Mr Pratt says on community safety.

MR PRATT: I ask a supplementary question. Minister, why do you insist on claiming 60 extra police when, in fact, you have suffered a net loss of 31 sworn police? Can you explain to the Canberra community why you are not taking their fears seriously?

MR HARGREAVES: I will address the last question first. I do take the concerns of the community—

Mr Pratt: You don't demonstrate it.

MR SPEAKER: Order, Mr Pratt!

MR HARGREAVES: I do take the concerns of the community particularly seriously, to such a degree that I have fortnightly meetings with the Chief Police Officer and we talk about a range of issues.

Mr Pratt: That will fix it.

MR HARGREAVES: I will fix you in a minute. The opposition can rant and rail as much as they like about numbers. Mr Pratt, I think, has the record for asking the most questions on notice around this particular subject of policing and emergency services. He has done absolutely nothing with the information. He has tied up a full-time officer in ACT Policing—

Mr Smyth: Any chance of answering the question?

MR SPEAKER: Order! Mr Smith!

MR HARGREAVES:—when that officer could have been better employed out there in the community. He has tied up probably one and a half full-time officers in emergency services who could have been better employed out there doing the very things—

Mr Smyth: Any chance of answering the question?

MR SPEAKER: Order! Mr Smith, I called you to order a moment ago. I am not going to be ignored.

Mr Smyth: On a point of order: the minister must answer the question with relevance. The question was: why have you allowed a net loss of 31 officers, which the minister ignores. Perhaps you might direct him to answer the question.

MR HARGREAVES: On the point of order: I am getting to it, so just have a little patience, please. I know you did not have any patience yesterday when your voice went up a couple of octaves. Just sit there and wait.

MR SPEAKER: Just address the point of order. Across the chamber conversations are not very helpful.

MR HARGREAVES: The fact of the matter is this: I have come into this place before and put figures on the table. Mr Pratt is at liberty to go through the *Hansard* until he turns blue. At the end of the day he will see that extra resources have been put into this particular activity of policing by the Stanhope government since it came to office in 2001 that puts the actual resources put into policing by the previous Liberal government to shame. If Mr Pratt wants absolute numbers, he can do what any other industrious member can do. He can go back and look at previous entries in the *Hansard*.

Attorney-General—use of external counsel

MR STEFANIAK: Mr Speaker, my question is to the Attorney-General. Attorney, during 2004-05, the ACT DPP spent more than \$950,000 to obtain the services of external legal counsel. In contrast, the NSW DPP spent just over \$400,000 during the same period, while the Northern Territory spent only around \$50,000. Why did the ACT DPP spend more than twice the amount that was spent by the NSW DPP on the engagement of external legal counsel in 2004-05? On what matters were these external counsel used?

MR STANHOPE: I thank the shadow attorney for the question. I regret that I do not have the answer at my fingertips. I am more than happy to seek advice on all counsel employed or engaged by the Director of Public Prosecutions and to provide you, and indeed the Assembly, with details of the amounts paid to each of the counsel engaged and the matters on which they were engaged. Having said that, I have a suspicion that issues around the coronial inquest into the 2003 bushfires would have been a significant feature, but I am surmising. I assume that engagement of counsel to assist the coroner and engagement of counsel in relation to that particular matter would have been major contributors to those figures. That is just a guess. I will provide the information as soon as I can get it. I have no issue with that.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Attorney, what prevents the ACT government from using its own legal professionals in the matters for which external counsel are employed?

MR STANHOPE: I would have to take advice on the detail of that. I think it needs to be acknowledged that the office of the Director of Public Prosecutions in the Australian Capital Territory is a small one because of the size of the jurisdiction. There are issues around economies and the level of expertise and experience available within that office which from time to time would lead the director to seek external expertise, particularly in areas in relation to which staff in his office would not have a significant level of experience. For instance, there may have been two or three murder prosecutions in the last year. That figure comes off the top of my head; and you may know this, Mr Stefaniak. It begs the question whether or not an ACT prosecutor would have the requisite level of experience to prosecute a murder, which is the most serious of all crimes that can possibly be committed.

In that event, it is a question for the director as to whether he would vest responsibility in one of his staff for such a significant major prosecution, knowing that his staff at that stage might not have the level of experience he would hope for. In that circumstance he would say, "I have staff; they have not had a deal of experience in the prosecution of a

murder because of the nature of that particular crime, its seriousness and the importance of ensuring that the prosecution is as able to present and deliver as it can possibly be. It is in the interests of my office, and also in the interests of the Canberra community, to engage counsel to prosecute the case of murder.” I believe those are relevant and real considerations. Even some of the prosecutions involving major fraud are complex and difficult because of their very technical nature. We have a small office in a small jurisdiction. It may be that, in relation to specific crimes or in relation to a particular matter, there is not a single prosecutor in that small office who has had any experience in relation to particular sorts of crime. In that circumstance it would be surprising indeed if the director did not look to engage outside counsel.

Turning to the comparison with New South Wales, in the ACT we have a director and a deputy director. In New South Wales—I think in Sydney alone—there are something like 70 or 80 prosecutors of the seniority of the Deputy Director of Prosecutions in the ACT. We are talking figures of that magnitude in relation to the sizes of offices and, of course, the requisite experience, or the experience that is developed in a much larger jurisdiction. Mr Stefaniak, I do not have the detail but I am more than happy to take advice on both the question and the supplementary and provide that to the Assembly.

Belconnen to Civic busway

MRS DUNNE: My question is directed to Mr Corbell in his capacity as minister for transport and planning. In August 2001 in this place you said, in relation to Bruce and O’Connor ridges:

This is an area widely recognised for its diversity as a nature conservation area, particularly for a range of bird and wildflower species.

Yet, today on ABC radio, when talking about the proposed busway through this area, you said:

The assessments ... show that the area ... is not high value bushland in terms of its ecological value.

Minister, when did you have your Damascus-like conversion on the environmental values of Bruce and O’Connor ridges?

MR CORBELL: The detailed investigations that ACT Planning and Land Authority have done over the last 12 to 18 months have given me—and I think the government—a better understanding of the ecosystem in that area. Those are issues that should be taken into account. I remain open to looking at the evidence and looking at the value of areas based on the most recent assessments. That is what I have done in this case.

MRS DUNNE: Mr Speaker, I have a supplementary question. Minister, do you think it permissible to tear up a nature park for a busway, when it is not permissible to tear up the same nature park for a road?

MR CORBELL: There is real value in the project I have outlined today and the two route options that will be the subject of further assessment. The government has identified two routes for assessment that will, first, inform government decision making

on the best corridor for this piece of infrastructure and, secondly, allow the government to make an informed decision on what the cost of such a project could be and whether it is appropriate to proceed with it at this time. That is the work now under way.

There is real concern and interest in the community to see a government that is committed to investing in and planning for the future more sustainable public transport in Canberra. This is an important initiative—one that has the opportunity to increase public transport usage—to create a quantum shift in the way people view public transport in Canberra. There is a big difference between that and simply building a tunnel to accommodate a freeway.

Human resources package

DR FOSKEY: My question is to the minister for education. The minister would be aware of concern regarding the fairly new Chris 21 human resources package that has been installed across government, including in your department. It is my understanding that doubts have been raised regarding the accurate handling of superannuation payments and leave entitlements and the recording of casual employees' work hours. I have been advised that considerable remedial work is needed to be undertaken in your department alone to address the issues, consisting of overtime for departmental staff and from the software provider. I understand that the department will need to engage 11 extra staff in the short term to resolve outstanding problems. Could the minister please advise the Assembly of the gross cost of this extra work to the department and whether there are penalty provisions in the contract with the software company to cover the costs incurred through these deficiencies?

MS GALLAGHER: The Chris 21 system is something that has been rolled out across government, not just in the department of education. There have been a number of problems with the rollout of that system, which have affected every department. In relation to the department of education, I will take the question on notice. The question on the contract is more appropriately handled by the Chief Minister, as the contract is across the ACT public service.

DR FOSKEY: Can either of the ministers please advise the Assembly of the full cost to the ACT government of the blow out on this package?

MS GALLAGHER: We will take that question on notice.

Hospitals—funding

MS MacDONALD: Mr Speaker, my question, through you, is to Mr Corbell, the Minister for Health. Is the minister aware of reported comments by the New South Wales Minister for Health, John Hatzistergos, about the possibility of New South Wales taking control of ACT hospitals? Can the minister further advise whether there is any sense to these comments?

MR CORBELL: I thank Ms MacDonald for the question. I was very disappointed to hear the comments of my colleague the New South Wales health minister in the New South Wales parliament yesterday. Mr Hatzistergos has made some allegations and some claims which are very unfair.

In particular, he claims that the New South Wales government pays too much to the ACT government to provide health services to New South Wales residents. I would have thought that the New South Wales health minister had better things to do and more things to worry about than think about what goes on here in the ACT.

There has been, unfortunately, real neglect from the New South Wales government when it comes to providing adequate health services in the surrounding region. It has been too easy for the New South Wales government to rely on the ACT for its healthcare services. We have, I must say, seen some encouraging signs of a turnaround in this attitude in the last year or so, in particular through decisions of the New South Wales government to upgrade Queanbeyan Hospital and to work with ACT Health in reversing flows of patients into the ACT health system.

I would be quite happy as Minister for Health—and I am sure my colleagues would join with me—in saying that we would be quite happy to get a lower payment from New South Wales if it meant fewer New South Wales patients coming to our hospitals because that would relieve pressure on our own health system and allow us to manage the demands we face here in the ACT without those additional pressures from New South Wales.

It is very unfair of the New South Wales minister to say that he pays too much. In fact, it ignores the facts. The facts are that the arrangement that is in place to pay the ACT is an arbitrated outcome. We have to accept the independent umpire's decision on the appropriate level of compensation that is paid for the treatment of New South Wales patients in ACT hospitals and, vice versa, for the treatment of ACT patients in New South Wales hospitals.

I would have thought that Mr Hatzistergos could be focusing more on the fact that he has patients, with drips in their arm, sitting in cars outside emergency departments, rather than contemplating a takeover of the ACT health system. The important thing is to focus on improving patient flows and reversing patient flows back into New South Wales wherever possible.

That is not to say that the ACT does not have a role in servicing the region. We do. It is a very important one. It is an important one because it means that our community has access to a range of health services that would not otherwise be viable if we were simply relying on our own population rather than the population of the surrounding region to support them. Whether that is in neurosurgery, new-born intensive care or a range of other areas, both the region and the ACT get benefits from a sharing of the population that is able to be serviced by these services.

It is important that, wherever possible, patient flows are reversed. Whether that means more orthopaedic surgery being undertaken in the region, more dialysis being undertaken in the region or a range of other services being undertaken in the region, that has two benefits. It has benefits to New South Wales residents in getting services closer to where they live. It has benefits to the ACT in reducing the pressure on the ACT health system.

When you consider that a third of the elective surgery waiting list patients are New South Wales patients, that is an obvious area for improvement. That is where the New South

Wales minister should be directing his efforts rather than making the silly comments he made in the New South Wales parliament yesterday.

Canberra Day

MR GENTLEMAN: Chief Minister, could you provide a report to the Assembly on preparations for the rapidly approaching Canberra Day celebrations?

MR STANHOPE: As we approach Canberra Day, which will take place in three days time, I think that it is appropriate that I do report to the Assembly on the celebration of Canberra Day this year but, more importantly and very significantly, the continuing preparations for Canberra's centenary in 2013. I must say that I have been very pleased with the support of all members of the Assembly in relation to the preliminary preparations for the celebration of our centenary in 2013, and I certainly look forward to working with every member of the Assembly as planning continues.

In that vein, the task force of chief ministers, past and present, that I have formed to begin that task has been working very constructively and very well, certainly putting Canberra first and the integrity of the celebration at the forefront of our thinking and our work. In that respect, let me report that the task force of myself, Senator Humphries, Ms Kate Carnell, Ms Rosemary Follett and Mr Trevor Kaine has been working hard and productively. We have had tremendous support from Mr Lincoln Hawkins in particular and the secretariat, which has been working very hard.

We have managed to achieve significant community support in the context of the logo competition and the ideas competition that have been a feature of our work over the last six months. The community has responded absolutely magnificently. Members of the community put forward over 1,600 ideas for the ideas competition that we conducted, the results of which we will be revealing tomorrow. Similarly, we held a design competition for a centenary logo. The successful logo has been chosen and developed and that, similarly, will be unveiled tomorrow. In the context of that, agreement has been reached by the task force, in consultation with the commonwealth, on a centenary patron. It will be with enormous pleasure that I announce tomorrow the identity of the centenary patron.

The work is progressing particularly well. I think that it is important that all of us within the Canberra community work, and work together, to achieve all of the outcomes which are possible and which we can imagine from the centenary. This is certainly a once in a century opportunity to sell Canberra to the rest of Australia and the world. I think that it is an unparalleled opportunity for Canberra—certainly for the Assembly and the government, but most particularly for the community—to leverage enormous advantage out of the national and international profile that we can develop through the centenary celebrations. I think that the opportunity is absolutely enormous. We will have to ensure that we grasp the opportunity and that we do in 2013 and the years that follow from it achieve all of the advantages and the outcomes in terms of the profile that the opportunity of the centenary presents.

Certainly, it is a great opportunity for a great party, a year-long party, and fantastic entertainment. It is an opportunity to do things and attend events that are not normally available to us in the national capital. But it is much more than that. I think that in the

longer term the great importance strategically is the opportunity it presents for us to create a new identity and to foster in the people throughout Australia a connection with and love of their national capital to a degree which they currently do not. I am hopeful that, through this seven-year long process leading up to the centenary, Australians will look at Canberra by 2013 and thereafter in a way that I think we all understand they do not currently always look at Canberra.

This is the great opportunity. I think that we must grasp it. I am very keen to work with all members of the Assembly and the entire Canberra community to ensure that we do not let this opportunity slip, that we do not in any way miss the boat and lose the opportunity or that we do not maximise this great opportunity because, if we do not grasp it, we will lose it and it is fundamentally important for our future. We can ratchet a lot out of it and I certainly do appreciate the support of all members. I appreciate the support that the opposition has shown. I look forward to working particularly with all members but specifically with the Leader of the Opposition and the opposition to ensure that we do maximise the opportunity presented to us through the centenary.

I ask that further questions be placed on the notice paper.

Personal explanations

MR MULCAHY (Molonglo): Under standing order 46 I seek leave to make a personal explanation.

MR SPEAKER: The member may proceed.

MR MULCAHY: Mr Speaker, during debate yesterday the Treasurer said he believed that I might have misrepresented him. He said words to the effect that I had said that he had failed to produce reports on the business migration program that he had promised to present in the Assembly. The actual words I used were:

... to date there have been no systems of measurement maintained or official reports produced since the program's launch that gauge the success or failure of the program, despite assurances that quarterly reports would be issued. Instead, the government ... chosen to rely on anecdotal evidence to measure the program's performance, with an assurance from the Treasurer's office that hard statistical data will be coming soon ...

The first part of that information on which my remarks were based came from the ACT government skills and business migration strategy, which reports—

MR SPEAKER: How have you been misrepresented?

MR MULCAHY: I was misrepresented in that the Treasurer made the statement that I needed to apologise to the Assembly for accusing him of failing to present information to the Assembly. What I am explaining, Mr Speaker, is that I did not put that point of view. I simply said the quarterly reports had not been issued despite assurances. The second part of the information that the government—

MR SPEAKER: Well, you have explained yourself.

MR MULCAHY: Yes. The last bit, Mr Speaker, is that the comments in relation to the government relying on anecdotal evidence, which has since been established as not correct, was based on information provided by the Treasurer's chief of staff to my office.

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

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

MR PRATT: Yes, indeed, Mr Speaker. Today in question time, in relation to charges about these criminal activities, the minister said that I had not tabled very much or all the information or I had only obtained the one piece of information or words to that effect. That is not correct. I have been misled. The six conversations or briefings that I had in investigating those circumstances resulted in one reasonably complex note. That note was tabled yesterday, as required.

Papers

Mr Quinlan presented the following paper:

Financial Management Act, pursuant to subsection 47 (3)—Financial Management (Guarantee by the Territory) Approval 2006 (No 1)—Canberra Racing Club Inc, dated 6 March 2006.

Mr Corbell presented the following paper:

Petition which does not confirm with the standing orders—Teddybears childcare centre—Mrs Dunne (53 signatures).

Economic white paper implementation Ministerial statement

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (3:14): I ask leave of the Assembly to make a ministerial statement concerning the economic white paper implementation.

Leave granted.

MR QUINLAN: Not long ago we passed the second anniversary of the release of the government's 2003 economic white paper. Each year I have provided the Assembly with a report on the implementation progress. This year I would like to slightly broaden my pitch beyond the economic white paper and provide you with some parting observations about the shape of business and economic development in the territory, what the government and business community have achieved by working together and what I hope will be achieved in the years ahead.

The white paper is the first leg of a comprehensive planning process undertaken by the Stanhope government in its first term. It also represented the first comprehensive

business policy strategy of any territory government since 1989. The white paper laid out some important themes and common ground for both the social and spatial plans that soon followed. The core strategies of these three documents were then drawn together in the Canberra plan announced by the Chief Minister in March of 2004.

While some predictable negativity from predictable sources was forthcoming at the time, the outcomes of the economic white paper tell a very different strong story. The headline figures show the government will have committed around \$140 million to support economic white paper action initiatives since its release in 2003.

It has supported the big and the visible things. There is the \$10 million contribution to the new Canberra-centric venture capital fund, ANU Connect. There is the \$10 million for the new health building annex at the University of Canberra to house psychology and sports science services, with the new facility expected to be completed in September 2006. Around \$20 million over five years has been provided for enterprise development programs such as the knowledge fund, the export growth program, the Canberra Business Advisory Service and the accelerating business innovation program. More importantly, these programs are leveraging further direct investment in the local economy. For example, the knowledge fund has an estimated total leverage factor of \$12 external for every government dollar invested.

Then there is the \$30 million upgrade program for the National Convention Centre. A project manager has now been appointed and design works are under way. The works proper will commence about the middle of this year. A sum of \$10 million was provided to ACT schools to enhance ICT skills through initiatives such as a student digital passkey program, broadband access, electronic whiteboards and the provision of related technical support. An amount of \$28 million in recurrent expenditure has been provided for tourism marketing and promotion.

There are smaller but no less effective initiatives such as seed funding that the government provided to establish a Canberra business angels investment network. In 2005 the Capital Angels Network was born and has now racked up over \$500,000 in equity investments in small local companies. In addition, \$1.4 million was provided to Screen ACT to showcase and develop our promising digital multimedia industry, and \$1.2 million was allocated to the Small Business Commissioner. In 12 months the Small Business Commissioner has negotiated small business service charters for 10 ACT government agencies and taken a proactive approach to small business dispute resolutions. To date, 65 complaints from small businesses have been investigated and 62 have been resolved. A professional business-to-business resolution model has now been developed.

A raft of white paper initiatives and policies have been internally resourced by government agencies. They include: the small business friendly reforms to the government's procurement system and procedures, including pre-tender consultation processes with local firms and new on-line document capabilities; changes to Canberra Connect to improve its ability to respond to small business inquiries and business licensing issues; ACTPLA's current work on an electronic development and building system that will greatly streamline compliance processes for small businesses that operate in the land development and building sector and the business links to school

programs, which brings vocational education and training support to year 10 students and other niche skills programs such as the training pathways program.

We are undertaking economic development work with our partners in the broader capital region through forums such as the regional management framework, the Regional Leaders Forum and the Capital Regional Development Board. We have good working relationships with both the Australian and New South Wales governments on regional development initiatives.

The indigenous business development strategy that is articulated in the white paper has now led to 23 indigenous businesses being facilitated into mainstream business assisted programs and 39 indigenous businesses being assisted by the Canberra Business Advisory Service.

Then there are the small important business environment infrastructure initiatives that we have pursued on the back of the white paper strategies. We have delivered on the NICTA funding deal, and the organisation's largest purpose node will shortly be part of the west city landscape. NICTA's presence and impact on the ACT economy continues to build and we are now positioning to secure our share of the additional \$251 million the Australian government has committed to NICTA to 2011. In May last year we formalised the ANU City West Deed of Agreement. That has now resulted in the ANU partnering with Baulderstone Hornibrook to develop City West and to integrate the university with Civic. The project alone is worth around \$600 million in private sector development and will support somewhere around 7,000 jobs.

The Convention Centre upgrade extends beyond a refurbishment exercise. There will be major functional improvements to the centre, and the deal negotiated with Intercontinental Hotels Group last year will allow us to strategically manage the development of this site and Canberra's convention facilities over the medium to longer term.

We have significantly extended the reach and depth of the \$10 million venture capital fund by partnering with ANU and the Motor Trades Association of Australia to create ANU Connect. This means that the government's investment, which is a repayable grant, has immediately leveraged a further \$20 million in private sector capital and brought commercialisation of ANU's vast store of intellectual property into the mix.

In 2005 we also fixed up the inherited problems of the Impulse Airlines demise. Qantas Defence Services has now established an aircraft heavy maintenance operation for Hercules aircraft at the long unused Impulse hangar and, with it, 40 highly skilled trade positions and a real shot in the arm for our defence technology industry. The agreement also includes a significant Canberra destination marketing commitment by Qantas.

The white paper has also played a significant part in shaping the government's response to the revitalisation of Civic. Beyond City Hill and the raft of initiatives being overseen by the Canberra Central Taskforce, over the next eight years around \$2 billion in development projects is destined for the city. Last Saturday the *Canberra Times* put this on a par with the levels of development occurring in the CBDs of our major capitals.

The strategies in the white paper are enduring. They have provided the government with framework and flexibility to address new issues such as the skill shortages facing many ACT businesses. In July 2005, following a strategic and operational review conducted earlier that year—and, I might add, a bit of a clean-up—the government restarted the skills and business migration program. In six months 155 skilled migration applications have been approved under the program to help address local skill shortages. In addition, 30 business sponsorships have been processed under the business migration stream of the program, representing \$14.2 million since 2003 and a further potential \$30.6 million over the next two years.

In April of this year the government will be launching a new pilot media campaign aimed at attracting skilled workers and their families to Canberra. The initiative has been developed with the close involvement and financial support of the ACT business sector. They have joined in.

While the government can be rightly proud of the policy leadership it has displayed in getting the white paper initiatives up, what really counts is our how our business and key institutions are responding. Let me take you through a few of the indicators. In 2003-04 the ACT had the highest rate of small business formation in the ACT. We have debated in this chamber before the veracity of ABS enterprise count figures and the swings and roundabouts they produce. But the fact is that for some time small business formation in the ACT has been leading, or is at the high end of, national surveys.

Small business formation figures are also supported by other metrics. The Sensis Business Index has shown confidence levels in ACT SMEs to be consistently higher than the national average. The Sensis data also shows a strong export culture amongst ACT small business. Official trade statistics show around four per cent per annum growth in the ACT's exports over a five-year period, bucking the national trend of stagnating non-commodity exports.

The Hudson employment intentions survey consistently shows the ACT at the top end of employer optimism for employing permanent staff. Print and on-line job advertisements in the ACT are still tracking at near record highs. The 2004 KPMG *CEO's Guide to International Business Costs* ranked Canberra as the number one city in the ACT across a range of competitive indices.

In 2005 Australian Business Ltd ranked the ACT as the easiest place to do business of the eight states and territories. In 2004-05 the *State of the Regions Report* rated the ACT as the best-positioned region to participate in the new economy. The same report ranked the ACT fourth out of 64 Australian regions in new wealth building potential.

These references and statistics give the government considerable comfort that we are on the right track with our policies and programs. However, they also remind us of the hard work ahead and the opportunities we need to convert. While I have enjoyed immensely the issues and policy challenges of the business portfolio, nothing has given me more satisfaction than the interaction I have had with ACT businesses, and also knowing that a little of their success can be attributed to some of the things that we have done in government.

ProtoCom Systems, The Distillery, Tower Software, Electro Optic Systems and CEA Technologies are some of the local business champions we are all familiar with. The successes of these companies tell a clear story about Canberra's private sector. These companies build wealth and new sources of investment capital in the economy. They build the pool of technical and managerial skills we need for the future. They pull their local suppliers along with them. They continually showcase the Canberra story to the outside world.

What is particularly pleasing is the new crop of business champions coming through. RPO Inc recently raised \$US9.7 million in financing to further develop its state-of-the-art polymer optical waveguides for flat panel optical touch sensors. The Canberra Business Development Fund, a joint venture with the ACT government and Australian Capital Ventures, is one of the seven national companies contributing to the project. RPO was also a recipient of a knowledge fund development grant.

The Centre for Customs and Excise at the University of Canberra continues to build its reputation as an international centre of excellence in training and education in customs and excise practice, international trade and border security. The centre was awarded the Chief Minister's export award for services in 2004 and again in 2005, and was the recipient of an outstanding export achievement award. The centre's early development was also supported by the government's knowledge fund grant program.

Two Canberra multimedia firms, Bearcage Productions and ZOO Communications, joined forces to win a major award at the Asia Image Apollo Awards in Singapore. Following their participation in the 2005 trade mission to the United Kingdom, a firm called Dreamfarm is now distributing great quantities of their product Greindenstein in the UK. There is a fascinating story behind the boys of Dreamfarm that we could follow up if we had the time.

ITL—Innovative Technologies for Life—a global company in innovative medical services is predicting \$30 million in revenue for this year after only 12 years of operation. 2005 also was the first time the ACT has had reigning national small business and export award winners. IELTS—the International English Language Testing System—won the education award at the 2004 Australian Export Awards. Research One won the national microbusiness category at the 2005 Telstra and Government Small Business Awards.

ProtoCom Systems became ActivIdentity in 2005, following its acquisition. In a recent announcement the former CEO of ProtoCom, Jason Hart, became the CEO of this global company with its "smarts" firmly embedded in Canberra and its local work force continuing to grow. In 2005 Seeing Machines became the first Canberra company to be listed on the London Stock Exchange.

In 2005, in partnership with Austrade, BusinessACT financially supported around 50 ACT businesses on trade missions. Coupled with the government's export growth program, the export business generated by these firms is estimated to be around \$23 million. The opening of two international trade offices in Shanghai and Washington DC in 2005 also saw the government partner with the private sector to create further opportunities for ACT exporters. The Canberra Commerce Office in Shanghai is a

collaborative effort between the government and the Hindmarsh Group. The ACT Government Industry Office in Washington is in collaboration with CEA Technologies. These partnerships provide short-term accommodation and support ACT firms looking to break into the US and Chinese markets.

The white paper has been instrumental in establishing a policy framework focused on building firms and providing the right environment for them to unleash their potential. It is an appropriate policy framework for the circumstances and opportunities we face, yet adaptable and agile enough to deal with the change and challenges that lie ahead.

The government is very proud of the contribution it has made to the development of the private sector since coming to office in 2001. I think a lot of people in the private sector would, perhaps begrudgingly, recognise the contribution of the Labor government and the way we have gone about our business with business. I think it is fair to say that at first blush the business sector would not be looked upon as the natural habitat of the Labor Party. Nevertheless, I have to say that I have enjoyed the very strong relationships that the government has built over time with the business sector.

We have been attentive and proactive. We have been responsive and consistent and, dare I say, appropriately visionary, when required. Canberra as a national capital will always depend on the commonwealth for much of its economic activity. What has emerged is a growing and innovative enterprise sector. With the government, the ACT business sector has driven this innovative enterprise sector at local, national and international levels. Canberra has emerged as a vibrant city in a vibrant region with an exciting private sector driven future. I am honoured to have had the opportunity to play a part in that progress. I will watch keenly from a new perspective the progress as it further unfolds. I present the following paper:

Economic white paper implementation—ministerial statement, 9 March 2006.

I move:

That the Assembly take note of the paper.

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

Canberra's urban infrastructure

Discussion of matter of public importance

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

The state of Canberra's urban infrastructure and the look of the city.

MR PRATT (Brindabella) (3.33): Mr Speaker, I raise this important topic in the Assembly today because we have a government that seems not to take seriously the growing number of concerns about the ageing condition of much of Canberra's urban infrastructure and the deterioration in recent years of the general look of the city.

While we do, of course, see things maintained to a basic standard, this place is by no means kept to the standard that it should be, and once was. In fact, in many cases things are deteriorating. One only has to look at the growing number of shopping trolleys littering the streets or the prolific graffiti covering almost every wall or the out-of-control long grass or the abandoned and trashed cars or the rubbish up and down our highways to see that under this government the basic standards of cleanliness have indeed declined.

But those things are at the lower end of the scale in terms of this government's lack of commitment to the urban environment. What is more concerning is their lack of commitment to the ongoing maintenance and improvement of the larger infrastructure in the city: the roads, the streetlights, the footpaths, the ovals, the recreational cycle paths and all the other things that are fundamental to a vibrant and fully functioning urban environment. Last year, at the annual report hearings, the Minister for Urban Services, Mr Hargreaves, said:

The people of Canberra deserve to have a city looking at its best and deserve the best municipal services in the country.

I agree with the minister. We do deserve the best. At least every community thinks it does, but we certainly do not have it under this current government. What the minister says is not strongly reflected in this government's actions. With the Stanhope government's propensity to throw millions of dollars into unnecessary and non-urgent priorities like busways and arboretums, we see in contrast the running down of minimal financial commitment to the maintenance and upgrade of existing infrastructure. I would like to highlight in more detail the areas where this government needs to refocus its priorities in order to win back the confidence of the Canberra community and in order to reflect the claims of the urban services minister that Canberrans do deserve the best.

Roads are one of our most obvious elements of urban infrastructure, yet we continue to see priority in road projects put on the backburner due to this government's overspending in other areas. Yesterday on ABC radio Mr Hargreaves said that planned improvements to Pialligo Avenue had been scrapped due to the \$20 million blow-out in costs to the Gungahlin Drive project. Not only has Pialligo Avenue now been indefinitely shelved but also funding for other roads such as Tharwa Drive and Majura, Sutton and Boboyan roads has suffered the same fate.

Canberrans have a screaming need for these and other roads to be upgraded, yet we continually see these types of projects put on the backburner due to this government's failure to properly manage its capital works budget. Amazingly, however, the Stanhope government has managed to continue to promote and commit millions of dollars in funding to its proposed Belconnen to Civic busway. On radio this morning the planning minister, Simon Corbell, seemed quite proud of the fact that this project—at least in his mind—is going ahead, citing it as an investment in Canberra's future.

But the real investment in Canberra's future would be to ensure that our current infrastructure is up to scratch and to ensure that our community's pressing need for upgrades to existing roads and other infrastructure is met. Unfortunately, this government would rather see our existing roads go to pot than take funding away from

their grand visionary projects, projects that are not of pressing community need. They are white elephants, really—memorials to themselves.

We have major problems with traffic flow on important road links like Canberra Avenue. It connects us to our neighbours in Queanbeyan who bring a lot of economic activity into Canberra. Traffic to Queanbeyan will increase once the new Defence headquarters are built at Bungendore. That might be a couple of years off but it is still a planning concern. But the government fails to forward plan for these types of important future traffic needs.

We are concerned not only about the lack of commitment to roads projects but also about the Stanhope government's lack of commitment to road safety improvements. For example, apparently, according to the Department of Urban Services, there is funding in each year's budget for only two road safety improvement measures. This might include things like roundabouts, chicanes, slowdown points and the like throughout Canberra's suburbs. That is like one chicane and one roundabout on many of the 60 kilometres of through roads that we know carry a lot of speeding traffic. That is two per year. What a commitment! Given the large numbers of reports in recent years of fast driving along these roads, you would think that under this government these sorts of measures would be a priority. Obviously this is not the case.

This government needs to get serious about improving Canberra's suburban footpath network. Late last year some less than desirable results for the ACT were revealed in the Engineers Australia Infrastructure Report Card, which said that Canberra's roads and footpaths rated a B and that the government needed "to lift its game". We often see complaints in the media and I receive complaints in my office about the rundown state of many inner suburban footpaths around Canberra. They not only look awful but they are simply not functional, especially where tree roots and large cracks have appeared. In some cases this has resulted in injury when elderly people have tripped, yet this government has clearly not put the safety of these people first. This is clearly a problem in the inner south and the inner northern suburbs where the tree growth is older, the footpaths are older and, of course, the residents are older. If the government does not do something, if it does not provide enough funding and set priorities in these areas, it will be a real recipe for disaster.

According to the engineers' report card, approximately 18 per cent of community paths, including footpaths, require immediate attention, and an additional \$2 million per annum is needed to achieve a target maintenance level of two per cent of total path lengths. However, this government has done the opposite to what is recommended to keep our footpaths up to scratch by recently pulling \$200,000 worth of footpath improvement funding from the budget. That is a real sign of something going dreadfully wrong in the maintenance budgeting planning.

The infrastructure report card also points out many other areas where the government needs to improve its commitments. One area is in the performance of streetlight assets. In some of the older suburbs in Canberra these are currently below Australian and international standards. A significant proportion of street markings and signs are reaching the end of their design life. Additional funding of \$3.2 million is required. In some cases some of our newer signs are being spelt incorrectly, and I refer to *Canberra Times* reports of recent weeks. That is not a good example to be setting for our children.

In some cases much-needed street lighting does not even exist where it is urgently needed, such as the CIT car park at Reid. Last year the minister made the excuse that this car park was reserved for development. In the meantime, despite people's concerns, no attention has been given to improving people's safety with improved lighting. There has not even been a deployment of mobile lighting as a temporary measure. The situation has been deteriorating for months.

Mr Corbell: It has never had lighting on it. It did not have it under Brendan Smyth and it did not have it under anyone else. It is a dirt car park, for heaven's sake.

MR PRATT: The population has increased and you just have not kept up with the community's needs. You cannot keep up with the community's needs.

One of the problems I have been informed about is the convoluted process that takes place to repair or replace streetlights. I recall that late last year, on three occasions, street lights in Rowntree Crescent in Isaacs were out for between four and seven days.

Mr Hargreaves: That is as bad as using your own family as another excuse.

MR PRATT: I am pretty mobile, thank you, minister. The current situation is that Urban Services, which own the lights, contracts ActewAGL to service lights and also contracts a third party to schedule the servicing of lights. This seems to create a cumbersome communications system that must slow down the servicing. Surely ActewAGL and Urban Services can work together without a scheduling layer in between. This is an issue the government should be seriously looking at addressing.

There is also the issue of our much utilised but inadequately managed recreational ovals. Unfortunately, during the recent drought years, this government did not employ proper water management techniques in order to ensure that our ovals stayed usable or repairable. They are not drought proof. Many of these ovals have gone to the dogs and the government has not made serious efforts to reinstate them for use. Many ovals remain unusable and the word is that it may cost anywhere from \$10,000 to \$15,000 per hectare to reinstate them.

I do not know whether the government has talked in recent times about embarking on programs to try and resuscitate or reactivate some of those ovals. Chisholm oval is a classic example, not simply the oval itself but the surrounding green areas. It is heavily used by the Chisholm community. Residents have told me that the whole community uses those ovals for walking their dogs and for weekend soccer games, and now they are simply dust bowls with strategically placed weeds. They cannot use them at all. The government do not have the money in the budget for such repair measures. That is the problem. But they manage to find the funds for pie-in-the-sky projects. Our urban environment suffers while Mr Stanhope parades himself on the glory of Great Wall of China type projects such as the arboretum.

Let us have a look at off-road cycle lanes. Since the government's focus on on-road cycle lanes began these have not been maintained properly. The thing is that many families need to use these recreational pathways for family outings. They are even used by commuting cyclists who do not like to go on-road. Not every cyclist wants to get in

there and suck in those fumes. They would prefer to take the extra 10 minutes to use the off-road parkland cycleways. Have a look around on weekends. A lot of people do use those off-road cycle pathways—more so, I think, than people using on-road cycle paths—yet these recreational paths are riddled with tree roots breaking through, worn-out surfaces and large cracks, despite their being a key part of our infrastructure.

We have talked about the grassed areas a number of times. The major focus of this matter of public importance today is infrastructure, but a grassed area is infrastructure in a sense. The post-spring rain deep grass growth along the western edge presents two problems: a bushfire threat and a beautification problem. Between 4 and 24 January a lot of photographs were taken along the western edge which just prove that the area has been badly neglected. We cannot blame the government for spring rain which caused a lot of grass to grow, but we can expect the government to have reserve funding somewhere for such emergencies. Despite what the minister says, that voluminous grass growth has presented a major problem. The minister has said that he never received any correspondence about that. He has, and I have a copy of a letter sent to him about the grass growth. The writer says:

Good morning, sir. I am writing to bring to your attention a significant and ever-growing fire hazard in the Tuggeranong area. The hill bordering Louisa Lawson Crescent in Gilmore and Isabella Drive is increasingly overgrown with tall grass.

I can table that letter if you do not believe me, minister. That is just one letter that I have permission to table, if I have to. There are many, many more. All in all, with the graffiti, the long grass, the infrastructure, the roads, the Pialligo mess, we have a problem. The government has failed to maintain its infrastructure.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (3.48): To address the last issue, I mentioned in the chamber earlier this week that I had received some correspondence about long grass. I also indicated that I had received seven letters, although there might have been eight. Three of those were from members of the community and the rest were from either Mr Mulcahy or Mr Pratt. That was it; that was the sum total. Mr Pratt tries to use one letter as a straw man, but bad luck.

I congratulate Mr Pratt because in my eight years in this Assembly he is, by a long shot, the best performer at talking down this town that I have seen. It does not matter what part of his shadow portfolio he is talking about; he continues to say there is something wrong with this town. I do not know why I am surprised; I should not be. I do not think they can be talking too much together because nowhere in that diatribe was there any attempt—apart from throwaway lines about the arboretum and the busway, which we have heard until we are sick of it—to say what priorities he would give to the changes. Take the roads, for example. On which roads would he not proceed to do the other works? Where has he suggested any responsible management process to address some of these problems? There has been nothing. There is only one. I am sure Mr Mulcahy's greying hair will turn absolutely white by the end of the day when he adds up the extent to which Mr Pratt would put his hand in his pocket.

Mr Pratt: Why didn't you bank the money in the good times?

MR HARGREAVES: If you added up all the things he said—

Mr Pratt: Why didn't you bank the money in the good times?

MR HARGREAVES: and all the things we have to fix by next Thursday, you could not afford it.

Mr Pratt: Why didn't you bank—

MR SPEAKER: Order, Mr Pratt! I warn you. I have called you to order several times. I am not going to put up with it any longer.

MR HARGREAVES: The Stanhope government has a strong commitment to maintaining the appearance and safety of our city. As Canberra grows older, many of our assets deteriorate. The budget provides \$9.8 million in capital upgrades to target these areas to make sure our city is at its best for the community to enjoy. I have stated before in this place that the government has implemented a range of strategies to enhance the urban environment, from both social and environmental perspectives. Actions relate to litter, graffiti, shopping centres, natural environments, streetscapes, landscape refurbishment, fire hazard reduction, roads and footpath networks.

The ACT government manages over 6,000 hectares of urban parkland in Canberra, ranging from town and district parks through to pedestrian parkland, road verges and seminatural open space. However, while we had good winter and spring rains, this summer has been the hottest on record, with below average rainfall. Also the drought over the last three years has had a considerable effect on the appearance and health of the overall landscape, particularly with the deaths of trees and weed infestation of grassed areas. However, with regard to the overall maintenance of public places in Canberra, I assure you that the ACT government remains committed to the highest affordable standards. While the budget in recent years has been tight, there has been a specific commitment to maintaining service levels. We have also established a new parks and trees section within the department to focus on improving the presentation of prominent parks and visitor destinations.

Our focus is on providing quality service to the standard expected by the community within the available resources. Good results on levels of customer satisfaction are reported by the community through the parks and places annual customer satisfaction survey on the maintenance of our urban parks. The 2005 independent report on tracking of usage and satisfaction with Canberra's urban parks and open places, through in-park and telephone surveys, indicates that customers are very satisfied with the maintenance and cleanliness of parks. There was a 92 to 94 per cent satisfaction rate for 2002 to 2005. There has also been a positive shift in the cleaning and maintenance of facilities such as barbecues, where the satisfaction rate was 77 to 82 per cent. The absence of litter in lakes and on the shoreline went from 69 to 82 per cent for the period.

Although the level of satisfaction with the maintenance of children's play equipment has declined slightly—from 90 to 82 per cent—it is still very positive. Since 1999 the level of visitor satisfaction with the experience provided in Canberra's district and town parks has risen from 89 to 96 per cent. Interviews with visitors to these parks identified that

almost all of the parks were very attractively presented, clean and well maintained. This is a significant achievement, considering it is estimated that over 10 million people visited town and district parks in 2005.

The recommendations arising out of the usage and satisfaction survey are being considered as part of the ongoing management of Canberra's urban parks and open spaces. Canberra has over 450 playgrounds dotted throughout the region. Many of these were built when the suburbs were first developed, so it is important that we have a program in place to ensure they meet high safety standards. The government is already undertaking a systematic upgrade of all playground equipment across Canberra in order to bring it up to the new Australian standards. This playground safety program also helps to ensure that children have safe and interesting places to enjoy themselves.

The ACT government has either initiated or supports several programs aimed at raising public awareness to address the issue of littering and pollution of waterways. These include Landcare; Adopt-a-Road—which includes businesses—adopt a wetland; clean up Australia Day; a second butt-free city campaign, in conjunction with the Butt Littering Trust; a campaign targeting illegal dumping at charity collection bins; and the targeting of litter and dumping in public laneways in Civic and main shopping centres. The government is participating in the Keep Australia Beautiful sustainable cities program. In addition, the new Litter Act introduced in September 2004 provides a more effective piece of legislation to prevent littering and supports these programs. Our urban rangers and police utilise this legislation and can issue on-the-spot fines ranging from \$60 to \$1,000 to offenders.

The government has also been proactive in managing graffiti across the city. Following extensive public consultation, the government introduced a graffiti management strategy for Canberra in 2004. Rather than being reactive, the new strategy contains five main elements to achieve a proactive role in graffiti management. It seeks to strike a balance between prevention, removal, diversion, community awareness, education and legislation. This strategy will reduce the cost of graffiti removal to the ACT government and the community.

As a result of the drought, extensive efforts have been made to regularly water some 18,000 young street and park trees throughout Canberra to ensure their survival during the extended dry conditions. The drought has had a serious impact on urban street and park trees throughout Canberra. It is estimated that, over the past couple of years, at least 7,000 trees have died due to the dry conditions. A program is currently in place to have those trees removed by June 2006. Following this program a further tree planting program is to be commenced.

The government has continued an urban upgrade program throughout the city. This program aims to improve the physical condition, character and appeal of public places. Public safety concerns are addressed by the redesign of unsafe spaces, replacement of lighting and improvement of access. Safer urban spaces are more appealing and the installation of comfortable, well-placed furniture and engaging public artwork encourages the use of public areas.

The first stage of the City Walk West project was completed in July 2005. This is a streetscape upgrade project that extends along Alinga Street from Northbourne Avenue

to West Row and Moore Street. The aim of the project is to strengthen the link between the east and west sides of the city by providing a high quality road reserve that is dominated by pedestrian movement. Works include a widened pavement for pedestrians, new street furniture, lighting and artwork. Stage 2 of this project will see similar development of Alinga Street through to Marcus Clarke Street, with an eventual link to the ANU precinct via the current Childers Street redevelopment.

An upgrade of the public areas at the Holt shopping centre has recently been completed. The aim of these works is to make the shops fully accessible from the public space, to address concerns about public safety and create awareness of the shops from the adjacent arterial road. The public areas are now appropriately lit. New signage, access ramps and public artwork all help to create a more functional and lively public space. An important water-sensitive urban design initiative has been implemented within the car park and adjacent pedestrian areas at the Holt shopping centre. Stormwater run-off is being captured via water permeable paving units in the car park. The paving allows rapid water penetration into the underlying soil to promote growth in trees. Boral Industries has partnered with the ACT government to implement this demonstration of water-sensitive urban design.

All fire-affected suburbs have had municipal assets replaced including playgrounds, street signs, regulatory and warning signs, guard rails, guideposts, log barriers and bollards, bridges and line marking. Land management agencies have also been working together to reduce the occurrence and impact of future bushfires by carrying out an extensive fuel hazard reduction program throughout the ACT over the last 12 months. The hazard reduction work has been conducted in identified priority areas and has involved techniques such as controlled burning, slashing, mowing, physical removal and grazing in order to help reduce fire intensity and provide better opportunities to contain fire. As well as reducing the fire hazards, these works have improved the appearance of these areas.

The restoration of Yarralumla Creek commenced last year with the removal of pest willows and poplars and the revegetation of the creek using 18,000 native plants. Over the last 12 months the community has been actively involved in the Yarralumla Creek restoration project as part of Clean Up Australia Day; the planting of trees for mums on Mother's Day; Landcare activities; and through Conservation Volunteers Australia. An ongoing weed control program was undertaken throughout urban areas in spring and summer, targeting environmental weeds such as St John's wort, Paterson's curse, African love grass, blackberry and woody weeds.

The infrastructure report card issued by Engineers Australia for the ACT in 2005 indicated that the overall condition of roads in the ACT was good, although it acknowledged the fact that there was a need to undertake significant maintenance work to maintain this standard in the future, given that the age profile of the majority of roads is 30 years plus. Mr Pratt did not give us the same story. In relation to footpaths, while their general condition is adequate, it is recognised that the condition of some of the footpaths in the older and more established areas is poor. This has been identified by the ACT government for specific attention over the next three years, with the additional funding of \$4 million being provided through the budget process.

In January this year stage 2 of the \$800,000 Belconnen lakeshore restoration commenced. The design for this refurbishment includes a more accessible promenade as well as new paving, landscaping, street furniture and lighting. The project will also bring users of the area closer to the water level along the southern portion of the promenade. This second stage follows the successful reconstruction in 2003 of the plaza between the restaurants and the wooden footbridge. It continues the ACT government's revitalisation of the foreshore to create a safe, attractive environment for Belconnen residents and visitors to enjoy. The combination of private building work on leased blocks and this upgrade of the public realm will greatly enhance Lake Ginninderra's reputation as an important destination for visitors and a high quality location in which to reside.

Funding has also been provided for stage 2 of the Belconnen library upgrade, which will include upgrades to seating, study areas, improvements to accessibility and safety, and new carpet and furniture. The Stanhope government has also improved the look of the city through the colour-in Canberra competition which was run last year. This competition saw members of the community out painting traffic control boxes next to intersections in an effort to liven up their neighbourhoods and help reduce graffiti. I am pleased to report that the competition was a huge success, with over 50 entries, and that this year the government will be looking at expanding the program into more suburbs of Canberra. I think I speak for many in the community when I say that the newly painted bright controller boxes not only add colour to our landscape but have also become a wonderful sight to point out to the kids when driving or walking along our streets.

The Stanhope government acknowledges that, as the city ages, infrastructure and assets deteriorate. We have shown commitment through the above initiatives—and more—to maintaining, upgrading and improving our infrastructure in order to maintain Canberra as the beautiful city that it is. In doing this we have to be responsible and ensure that we are doing it in the most cost-effective way and within our means. Unforeseen circumstances, such as bushfires and the drought, have certainly put pressure on the maintenance and upgrade budgets. However, we will continue to treat this as an area of very high priority and deliver services and maintenance to the expectations of the community.

I am a little bit surprised at the talking down of the town by Mr Pratt, when he could very easily have gone through some of the budget documents since the Stanhope government came to power. Had he done so, he would have seen that significant additional funding has been put in there to maintain and enhance not only the urban infrastructure in this town but also the amenity of the people who live here and those who visit the town. People like Mr Pratt ought to understand that we are living in a man-made urban forest—there were sheep here originally—and that that does not come without additional cost.

After this town was first established it saw its heyday in the 1970s, when money was freely available from the federal government and we did not have to worry about a thing. The introduction of self-government came at a time when that money dried up. It is now up to the people of Canberra to dig into their pockets to maintain their city as best they can. I am quite happy to say to this Assembly that I think we have taken a responsible approach to it; we do it within the budget; we prioritise and we are very proud of the additional resources we have put into the program of enhancing and maintaining our city. To suggest that we have an ugly city with graffiti on almost every wall is an absolute

insult to each and every citizen in this town. I wish Mr Pratt would be a little bit more positive about the place he calls home and supposedly represents.

MR SMYTH (Brindabella—Leader of the Opposition) (4.03): Yet again we have Mr Hargreaves's standard response: do not address the issue, attack the man; do not play the ball, go for the man. He takes what Mr Pratt says and over exaggerates it. He twists, turns and spins it so he can come back and say, "Shame on you, Mr Pratt, for talking down the city." Mr Pratt is not talking down the city. He was entirely appropriate in bringing on this motion, for which I thank him, and what he said was entirely appropriate. Mr Hargreaves said, and keeps on saying, "I am quite happy with what we are doing." I have to tell you, Mr Hargreaves, that neither the people of this city nor its visitors are happy with what you are doing. Regular visitors—business visitors in particular—who have come here over many years have told me on many occasions that, in the entire history of this city, they have never seen such a rapid decline. We are talking about provision for the future, a vision to make this city wonderful, a vision backed up by a maintenance plan to keep it looking wonderful and address the issues that affect people where they live. Mr Mulcahy will have a bit to say on that shortly.

It is interesting that Mr Hargreaves asked, "Which roads do you not want us to go ahead with?" Mr Hargreaves, why don't you outline your five-year road program like we did in 2000, when we put on the table the roads that needed to be done? Indeed, my five-year road program is still being addressed by the government and praised by them as though it is somehow something they have done. I notice that, in this year's budget papers, the five-year road program we put in place back in 2000 has been largely completed and that all the forward years are empty. There is no expenditure, except for Gungahlin Drive, into the future on major road programs in the ACT. Why? Because this minister has not put any programs forward or, if he has, he does not have the clout in cabinet to make it happen. We are talking about the loss of programs like the look of the city and the lakesmart programs which have simply drifted away—they have been lost. Mr Hargreaves says, as all the ministers opposite always say, "We put an extra \$9.8 million into programs." What did we get for that extra \$9.8 million? I would put to you, Mr Speaker, that we did not get a great deal.

Mr Hargreaves says that they remain committed to the look of the city. The proof of the pudding is in the eating. If you walk around even just the Civic area, you can see the decline in the roads, the footpaths, the parks, the gardens and most of the public areas which has occurred under this government. It is interesting that the only bright light, the only single initiative this minister seems to have come up with on his own—or perhaps somebody came up with it for him—was the painting of traffic control boxes. That is the only new initiative in five years under Labor to alter the look of the city. That pretty much sums up the scope and ability of this minister—that he has been able to paint 28 or 50 control boxes and a few more are going to be done this year.

It is about having a long-term view on how to revitalise infrastructure, and it does not stop. You cannot say, "We've done our bit" and it will then go away. It does not work like that. When we came to office in 1995 we realised that. That was why we commenced work on areas such as Kingston, Manuka, the Curtin shops and Narrabundah—shopping centres and public spaces that have reaped the benefit of government investment—genuine investment, not ordinary maintenance—to make them liveable, viable and more exciting than they have been, and sustainable into the future.

We did Kambah Village and the Jamison shops. We started Hawker, Kippax, Watson and Yarralumla. They all benefited from the investments of the previous government. I had hoped that Mr Hargreaves would talk about their investment in suburban shopping centres but he obviously had nothing to say on that matter.

As assets get older they require more attention. I wish to draw members' attention to the car park outside the Assembly. Perhaps the minister, or whoever else might speak on behalf of the government, would like to tell us what the cost of resurfacing that car park will be when it is eventually done. I understand that the proposed cost a couple of years ago was something like \$50,000. A year or two on from that it was \$60,000 or \$70,000. I understand it is now in excess of \$100,000. That is the sort of delay we are talking about.

Let us talk about the roads in general. Let us talk about the five-year road program we had that sought to complete the set of strategic roads Canberra needed to give the city a road network that would serve the population into the future. The work we started has virtually been completed but we knew that more work would be required. Because of Mr Corbell's mismanagement of the whole issue of the Gungahlin Drive extension, he failed to realise that there was only one viable route. Mrs Dunne pointed out quite clearly today that in 2001 the area between Bruce and O'Connor Ridge was so ecologically important that you could not put anything there. But now, because it is only a link area between two ecologically important areas, you can put a busway, a tunnel or whatever you want through there. That is the difference.

Mr Corbell's change in attitude is very educational with regard to the loss of time, effort and money in building up this critical infrastructure. There is a lack of a broad view from the government about this issue. Across the government there is a lack of any interest whatsoever in the issue. We had the programs—look of the city and lakesmart. Mr Hargreaves talked about the cleaning up of some of the creeks. That is standard work that was started under our governance. To laud the standard of work, as Mr Quinlan did about his own white paper and to state the bleeding obvious, does not indicate to anyone that the government is interested in this.

Let us go to the road network and look at Pialligo Avenue. Pialligo Avenue cannot be upgraded. The airport remains isolated with a traffic bottleneck which causes all sorts of flow-on effects. Many of our visitors arrive through the airport and their first impression of the city is that it is congested and clogged and does not have a road network suitable for a nation's capital. That is because of Mr Corbell's mismanagement and the fact that Mr Wood, and now Mr Hargreaves, took all the money that was dedicated to new roads, road improvements, road upgrades or resealing and put it into the Gungahlin Drive extension. It is because of their monumental mismanagement, particularly through Mr Corbell, of the Gungahlin Drive project that we now have the problems.

Mr Corbell: I think the National Capital Authority had something to do with that.

MR SMYTH: Blame somebody else: it was the National Capital Authority's fault. You have got it wrong from the start, Mr Corbell. There you were flip-flopping all over the place telling the Save the Ridge people you were going to do one thing and telling another group that you were going to do something else. You were caught out and ultimately exposed. But it is the people of Canberra who have paid the price. They have paid the price because the crowd opposite, who failed to put money away in the good

times and failed to adequately fund refurbishment and upgrade programs, are now robbing Peter to pay Paul. They are taking all of the road money and investing it in one single road—the Gungahlin Drive extension. The problem is that there is no forward vision here; there is no view on how to make the city sustainable in the future. For all the talk, you still have to maintain what you have now to build on it into the future.

We realised in the late 1990s that we had to do something about Civic. The Civic revitalisation project took place and initiatives were taken to convert empty office space into accommodation, which has worked very well. The then Chief Minister got to reopen perhaps the best example of that—the new youth hostel across the road in Akuna Street.

The library and link development project is another piece of essential infrastructure that has been delayed. Almost \$8 million was allocated in the 2001-02 budget to build the link project. Five years later it is now going to cost something like \$14 million and is still not complete. That is symptomatic of this government. They have delayed things; things have cost more; they cannot deliver. The art program has suffered. I do not think there is as much public art done as there used to be. Public library upgrades are not occurring as they should. If we want to be part of the information world we talk about so often, where are the public library upgrades? A new one is being built, but we started that. You delayed it by five years and it is costing more money.

Mr Hargreaves: What about Kippax?

MR SMYTH: We started that as well. We have lost the extra street sweeping and the trimming of the plants by the roadsides. We used to hear from Mr Hargreaves about the whipper snipper man. Do you remember all the questions about the whipper snippers, Mr Hargreaves? Where are the whipper snipper men? What have you done with them? You have been the urban services minister for 16 months, and there are no whipper snipper men. The streets are full of weeds.

It is about finishing things properly. That is what people are complaining about. It is about the shabby look of the city; it is about the graffiti; it is about the weed spraying; it is about the lack of tree pruning; it is about trees that fell months ago and still lie where they fell; it is about things like kangaroo carcasses that deteriorate to such an extent that the lawnmowers mow over them; they are just little blots on the landscape. We do not pick them up anymore and we do not keep the national capital looking as it should, as it did under us. It is also about your long-term view. It will be interesting to see what happens in this year's budget for the long-term maintenance of assets. The longer we put it off—and it is being put off under this government—the worse the problem will be when we get to office and we will, as in 1995, have to clean up the Labor Party's mess.

MR SPEAKER: The member's time has expired.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (4.13): As my colleague Mr Hargreaves has outlined, the government has a comprehensive program in place to address issues to do with ongoing regular areas of urban management and maintenance. It is fair to say there are always challenges in a city like Canberra, given the nature of the urban development pattern that has occurred in our city. It is well worth emphasising the projects the government has in place and, in particular, the level of

investment confidence that is occurring as far as improving the look of the city centre is concerned.

I will focus on the city centre in my comments but, first of all, it is worth reiterating some of the programs Mr Hargreaves has put in place. If you listen to Mr Smyth, his black and white view is "Liberal good, Labor bad". The Canberra community is a little more thoughtful and intelligent than that. People would appreciate that urban maintenance is a basic ongoing responsibility of all governments.

Urban maintenance continues across all governments, regardless of their political persuasion. It is essentially a responsibility that all governments take very seriously. It is worth highlighting some of the issues and programs the government has put in place, including the extensive efforts the government made during the drought to ensure the survival of so much of the Canberra urban forest. Particular efforts were made to ensure that 18,000 individual street and park trees were hand-watered during the drought period to ensure that they had the best possible chance of survival through the prolonged drought we faced. During that time of very severe drought a large number of trees died, but without that hand-watering program even more trees would have died. Those are the sorts of efforts the government has made to ensure that we seriously look after, as well as we can, the beautiful urban forest that makes Canberra such a unique city to live in.

Urban infrastructure improvements have also taken place. The first stage of City Walk West has been completed. That has made a huge difference to the area along Alinga Street from Northbourne Avenue to West Row and Moore Street. It has enabled that area of the city to come to life. This government put that project in place. Another one worth highlighting is the Childers Street project. The physical work on that project will commence shortly. That will also see a major uplift in the appearance and quality of that new street which is so central to the vision the government has for City West, which the ANU, the private sector and the government are all investing in.

The government is continuing with a whole range of other programs. The restoration of Yarralumla Creek commenced last year with the removal of pest willows and poplars and revegetation of the creek with over 18,000 native plants. These are not haphazard measures. This is not a sign of a government that has taken a haphazard approach or a government that is not investing in maintenance of the urban infrastructure; it is quite the contrary. As Mr Hargreaves emphasised in his speech, the overall report card issued by Engineers Australia indicated that the overall condition of roads in the ACT was good. There is, of course, the fact that, because of the way the commonwealth developed the city, we have a very large amount of ageing infrastructure but the overall level of the road network was assessed as good by Engineers Australia.

I would also like to emphasise what is happening in the city centre. The city centre is the urban centre of Canberra, which is highly valued by all Canberrans. It is the centre for business; it is the centre for a whole range of municipal functions; it is the centre for cultural activity and it is the centre for retailing and other activities. Here the government's policies are paying huge dividends. The fact that we have given a strong and clear commitment to the streamlining of planning processes, to support development proposals and to ensure that things get off the ground, has seen an unprecedented level of investment in our city centre. There can be no stronger endorsement of the government's policies than the level of development activity that is currently occurring in the city

centre, and there can be no stronger vote of confidence in the city than that. Indeed, the *Canberra Times* called it the golden age of development activity. I think that was a little bit of hyperbole from the *Canberra Times* but, nevertheless, it is worth making the point.

Let me go through the levels of development activity happening in the city centre as a result of the government's commitment to support development applications and development proposals, and to streamline the planning processes to allow this to happen. This is all about the look and feel of the city. It is all about creating a vibrant city centre that people are interested in coming to. Section 61 in the city has a new building for the Department of Agriculture, Fisheries and Forestry to the value of \$63 million. Section 88 in the city has a new building for the department of industry, trade and resources with a value of \$58 million.

Section 84 in the city has a new retail, commercial and entertainment precinct to the value of \$105 million. Another part of that section, Precinct D—a residential precinct—has a value of over \$30 million. Section 89 in the city has a new building for the department of taxation to the value of \$110 million. Section 6 in the city has another new residential building to the value of \$50 million. Section 91 contains the new National Information Communication Technology Australia building to the value of \$45 million. In section 90 in the city we have the Williamson building to a value of \$16 million. Then there is the new building on section 10, where the redevelopment of the YMCA site is taking place. This is the sign of commercial and business confidence in our city centre. That level of investment, which is close to a billion dollars worth of approved development activity in the city centre as a consequence of this government's planning policies and its preparedness to support this level of investment, is creating a vibrant city centre and is what our city needs.

I will now address Mr Smyth's point about having a vibrant city centre. I make the point that this level of investment is extremely significant. Of course there is a whole range of other strategies in place through our Canberra central program. These include new guidelines and designs for new paving and street furniture which will be progressively rolled out, with the first stage in Childers Street already funded in the budget. The government is continuing to work with local businesses on the area of benefit levy. That work is now very well progressed and will allow for an even better level of maintenance in the city centre to address some of the perceptions that exist around graffiti, litter and other issues. That is a very important part of what we are doing in the city centre. The government wants to respond proactively on that issue.

We also have new signage up and running in the city centre. Again, it is all about the look and feel of the city centre. This government has a comprehensive program which is working, delivering results, encouraging private sector investment and addressing the normal urban maintenance responsibilities Canberrans expect of the ACT government. It is a program the government will continue to work to improve and continue to deliver as efficiently and effectively as possible. That is what Canberrans expect and that is what we will always seek to deliver.

MR MULCAHY (Molonglo) (4.22): Mr Hargreaves made a very valid point by way of interjection. I am at variance with Mr Pratt a little because I sympathise with Mr Hargreaves's near impossible position. Although he is a voting member of the cabinet of the territory government he is, of course, saddled with the consequences of

poor economic management over a long period of time and the exit strategy of the Treasurer. He is left to deal with the most visible area, at times, of ACT government activity, and that is urban services.

I think Mr Pratt needs to demonstrate more sympathy, because the minister is between a rock and a hard place. He has to come in here and defend his performance as Minister for Urban Services when he knows things are in a mess and that the people of Canberra are unconvinced. Of course he has no money with which to do it, as he basically acknowledges. Mr Corbell would have us believe that the private sector development around the town is what it is all about. I think he misses the point that the amenity of our neighbourhoods, our suburbs and the appearance of our districts are really what people want to see addressed.

To give you an idea of the sorts of issues involved to illustrate the level of concern out there among the people of Canberra I have drawn down statistics from my office over the last few weeks. From the middle of February, 95 urban services complaints have been raised. I give credit to Mr Hargreaves in that he responds promptly in relation to these matters and, if they are maintenance issues, they are generally actioned promptly.

The growing body of complaints we are seeing in Canberra causes me concern and I would think that would also cause the minister concern. In fact the complaints are overtaking health as a major area of concern, followed by taxation and policing issues. When I look down this list from the correspondence, I see that the big ticket items—parks and ovals, roads and footpaths—comprise 26, 14 and 15 complaints just in the past few weeks. That indicates that things are visibly wrong with the ACT urban infrastructure. These are the views of ordinary Canberrans. These are the things that trouble them and matters on which they expect better performance by the territory.

It is going to be a problem when you have had a government that has thrown money away without regard for the consequences to the maintenance of our city. I can understand the difficulty he is faced with because, in many respects, Mr Hargreaves is in the front line dealing with probably now the most critical of consumer complaints—the state of the city. These issues have been afoot for some time. One of the very first things I raised when I was elected was the state of footpaths, lighting and so forth in some of the inner southern suburbs such as Yarralumla, Forrest, Deakin and Griffith. All these complaints remain to a large extent unresolved, and they go back some time. It is not an acceptable situation, especially when you have older people in Canberra suburbs who have suffered injuries and falls as a result of either tree roots breaking up footpaths or inadequate lighting in those neighbourhoods.

I know some areas on the northside have been looked at but I continue my plea for better basic infrastructure for suburbs in both the inner and medium southern areas. Many complaints I have referred to today have come from the Woden area. These issues are certainly not coming from the Liberal faithful but from ordinary residents who are clearly deeply concerned. I turn to the *Canberra Times* letters to the editor to see the sorts of comments that are coming in. Here is one from Gloria Stewart of Turner, who talks about the fact that she believes Canberra is becoming a grotty capital. She says, “As a long-time resident of Canberra and as a recent resident of the inner city, I am astounded at the state of Northbourne Avenue.” And it goes on. Looking at other parts of Canberra I note that, in the *Southside Chronicle* on 28 February, it says:

The degradation of urban infrastructure in suburban areas is worrying according to residents.

Mr Giles of Weston says:

...Weston Creek was beginning to look tired and uninviting.

The footpaths are breaking down, the bridges are damaged and the walkway lighting is in a constant state of disrepair because of vandals.

In the limited time, there are just a few other areas to mention. I know they do some things well. In this week's *City News* there is an article entitled "Skippy gets a fresh coat." It says:

Poor Skippy couldn't have been there for more than a few days when he was freshly painted by an ACT line-marker on the northbound (Belconnen) lane on the Tuggeranong Parkway between the Hindmarsh Drive and Cotter Road turnoffs, as snapped by a concerned motorist.

Despite what Mr Pratt says, there are areas that are being done exceptionally well by the minister, and credit for things such as this should be given. In the Adopt-a-Road program, which seems to have died, there was obviously scope for improving the city. It is worth noting that the stretch of road adopted by Mr Quinlan has been looking a little grubby lately. He has probably been preoccupied with balancing the books but, hopefully with his retirement, he will be able to look after it. That will relieve some of the pressure on the urban services department.

Mr Hargreaves: What is the name of your stretch, Richard?

MR MULCAHY: I am not looking for the free advertising and doing nothing; I will leave that to Mr Quinlan. These are the sorts of examples that reflect on the sad state of the city. The level of complaints we are receiving is growing continually. I understand the complete incapacity now to deal with the range of issues because we have let the city start to deteriorate. It is a worrying problem, as in so many areas of administration of the territory, that the dollars are not going to be there. Sadly, the people of Canberra are going to have to endure the consequences of the lack of provision of maintenance.

It is no different from a business. If you let a business, a dwelling or commercial premises run down, it takes a heap more money and investment in order to restore that to an acceptable level. These are issues of concern. It is not the same situation that sometimes happens in this place where we have supposed matters of public importance that are really of little interest to anyone other than the mover. In this case, these issues are of concern to all of the people of Canberra. I commend the points Mr Pratt and Mr Smyth have taken in raising these issues and seriously hope we find some way through this dilemma of how to find funds within the territory to again get the city looking as it should look as the proud capital of Australia.

DR FOSKEY (Molonglo) (4.30): Unfortunately, I am not going to speak for long because I do not have very long. However, I could not miss speaking on a matter of public importance of such riveting interest as this. It is the first time we have ever talked

about this topic in the Assembly, and no-one has ever said before the things that they have said today.

I have one thing that I would add. I do not think I have heard anyone say it today. I am not sure that I have ever heard anyone say it before, including me. There have been a number of references to City West today. One of the things that I ask—and it is not question time—is more a rhetorical question. I would like to know: with what wisdom has ACTPLA decided, in its redevelopment of City West, not only not to plant any trees but to get rid of the trees? It has some idea that a Parisian-style streetscape is bereft of trees. I can see us erecting all kinds of umbrellas, sunshades and rain shades when what we have got at the moment is nature's bounty: some quite mature trees. I do not think they are over-mature trees.

If anyone wants to see how successful trees can be in the entertainment business, check out the coffee shop at Yarralumla, Beess & Co, where underneath the plane trees is probably their greatest attraction. We should definitely look again at any planning that takes away quite safe, mature trees in the pursuit of some fashion that is here today but—I think it has already gone—certainly is not here tomorrow.

MR TEMPORARY DEPUTY SPEAKER (Mr Gentleman): The time for the discussion is concluded.

Road Transport (Public Passenger Services) Amendment Bill 2005

Debate resumed.

DR FOSKEY (Molonglo) (4.33): The Greens welcome this bill which enables the expansion of public transport options in Canberra. Although the ACTION bus service provides a sterling service for many Canberra commuters and the taxi service provides for people in need of more direct, speedy services, it has been widely recognised that there is also the need for a more versatile demand-responsive service. We hope that this bill will make large inroads—do excuse the pun—into solving Canberra's tricky public transport issues.

A spread-out city with large distances, a lot of population density and a first-class road system means that it is a difficult task to convert a car-dependent culture into a public transport using culture. However, it is possible to break down that dependency slowly. This is essential to creating a truly sustainable transport system in Canberra. I do not think anyone in this room would disagree that we need a more viable and integrated sustainable transport system in Canberra to reduce our fuel usage and greenhouse gas emissions as well as to provide efficient and affordable transport to people who cannot afford or choose not to own and run their own private vehicles.

We are all well aware that it is not just rhetoric to talk about sustainability in transport any more and that even the hard-headed economic people who have resisted talking about the environment until now are going to have to make adjustments due to higher fuel costs. While, no doubt, there will be some more innovation in cars that use alternative fuels, they are not going to solve the problem. We are going to need to commit ourselves to developing a very viable public transport system.

We know that the recent rise in petrol prices saw many people switch from private car use and get onto ACTION buses to get to work, rather than pay for petrol and parking. In the longer term, if people can see that public transport covers all their needs and not just commuting to work, they will also be able to dispense with car purchase, registration and car insurance costs.

We know that an important aspect of this will be the continuing of the daytime bus services until later in the evening, because in our economy more and more people have to work beyond 5.00 and 5.30 and our bus service does not currently cater for them. Also, if more people shift out of private car ownership, reliance and usage of public transport will necessarily increase.

If demand-responsive transport services are especially easy to access in further-out suburbs, especially newer suburbs without reliable bus services, this will hopefully influence people's car purchase decisions. Every trip not taken by car makes a difference. This means that even incremental change makes a big difference. Furthermore, if multiunit developments as a matter of course included both shared car arrangements and good links to public transport, then residents would find that they have the necessary personal convenience to operate comfortably without having to own a car.

An integrated system requires vision and might mean stepping on some toes. We might see, for instance, the rise of car drivers liberation groups. The only comparable group I can think of is the right to carry a gun in US, which is just as absurd. Will this bill solve Canberra's public transport problems? The introduction of this legislation to allow another type of public transport to exist and evolve is a good step towards an integrated public transport system, but it is a limited step. As presented, it might be a very slow and limp way of solving Canberra's transport problems.

Unfortunately, while this bill allows for transport providers to come up with their own options and offer these proposals to the government, it does not propose any particular incentives for transport providers to provide any necessary services. A completely market-driven proposal might work for the Canberra community but it might not, and only time will tell.

Rather than letting time tell, the Greens would rather the government work with ACTION, amongst others, to offer some guidance to potential providers and suggest particular areas, routes and services where there is demand or need which is being underserved at present. Good cooperation between transport providers and, I might add, town planners, the road makers and maintainers in urban services is going to be essential to the achievement of a sustainable transport system.

This is a pertinent week to be debating this bill, given the uproar about the efficiency of our taxi service recently. Hopefully the introduction of demand-responsive transport will work symbiotically with both our taxi service and our bus service to create a system of public transport that enables more people to get where they want, affordably and in good time. The potential of an integrated system is enormous.

We see some of the roles of a demand-responsive transport system as being able to:

- move medium amounts of people—that, is too many for a taxi and too few for a bus—to and from places without an existing government bus route: the airport to the city or between federal government department buildings;
- service people who live in areas without existing or reliable government bus routes, such as the newer parts of Gungahlin, and especially school children who are at the moment a rather neglected prime group;
- service excursions for particular groups of people—for instance, aged care facility outings, preschools, childcare centres; and
- provide an efficient out-of-hours service for evenings and early mornings, perhaps even replacing underused flexibus services, and being a more affordable and more efficient option than taxi services.

Of course, the sky is probably the limit in terms of services that we can think of because, wherever more than three people need to go, there might be a place for such a service. People certainly need more transport options in Canberra than there are now. The need for this type of service in the evenings, in particular, is huge. Neither the ACTION bus service nor the taxi service is more than a partial solution to the problem. Many low income people, especially people who live in outer suburbs, who work night shifts, simply cannot rely on bus services to get to and from work and cannot afford to use taxis on a regular basis.

Public transport was cited by people on very low incomes interviewed by Peter Saunders—the New South Wales one, not the Melbourne one—the other day as a major reason that excludes them from the job market because many of the jobs that are available to them and that they could do involve evening work, such as the hospitality business. They simply cannot get there and back. So this effectively removes them from the flexible labour market that the commonwealth appears to be hell bent on creating.

Relying on a flexibus system that leaves interchanges once an hour could mean a two-hour trip to or from work if you do not work during the usual business hours. This, on top of doing a night shift, would be enough to make you purchase an inefficient, expensive-to-run and probably in need of regular-replacement-parts, car, which you would rather not have but which you need so that you can go to work. Of course you have to go to work so that you can pay for the petrol.

I hope that the market operators who will provide these demand-responsive transport services will find it profitable enough to run the services that are most needed by the community now and—and this is a big “and”—not just ones that they envisage will return the highest profit. This is the potential pitfall in the system. There is no stipulation in this bill, although the guidelines refer to it, for the provision of particular services for people in wheelchairs, people with disabilities or the aged. We hope that the government can come up with some incentives for operators to initiate services for these needs because, without government incentives it is very likely that these services will be very low on any operator’s priority list, due to the potentially lower profit margins.

We have already seen the efforts that the government had to go to to get taxis to improve their services for people with a disability. If the government would commit to a subsidy scheme similar to the taxi subsidy scheme, as well as address needs for driver assistance, with the introduction and rollout of this legislation, this would help immensely as a starting point.

Another issue that we are concerned about is concession fares. There are provisions in this bill for the service contract relating to the administration of the contract to allow for free or reduced fares for travel and for the issue and acceptance of free or concession passes. The Greens recommend that the minister prioritise the establishment of a concession fare system, similar to that used by ACTION, for all demand-responsive services.

The Greens look forward to the long-term viability and expansion of demand-responsive transport in the ACT and see this bill as a small step to bigger things. In particular, we look forward to the full integration of the ACTION bus service with an efficient and well-patronised light rail system—you knew I had to say it some time—and demand-responsive transport services to make buses and light rail fully accessible to all.

MRS DUNNE (Ginninderra) (4.44): I could not let an opportunity such as this go by without making some comments on the importance of demand-responsive public transport. I congratulate the minister for this piece of legislation that sets up a framework for demand-responsive public transport.

I am pleased that, over the years of collaboration that the minister and I have had on public transport matters, he has learnt a few things. I have now seen them come into place. I hark back to the taxi inquiry that we both participated in, in the previous Assembly, where these issues about demand-responsive public transport were one of the key recommendations. I am glad that the government has taken it up and that we now have a situation where somebody who contributes to an inquiry can carry it through in another role. I am glad to see that.

This is a good start. This is only the start. Demand-responsive public transport is very difficult, as the flexibus system and its shortcomings will demonstrate. Mr Stefaniak, in this place, has spoken about some problems with the flexibus system in Belconnen to show that members of the Assembly use public transport and that sometimes there can be a real problem in doing so. There are a whole lot of things that will make demand-responsive public transport work.

There is a flaw in this bill, which Dr Foskey's amendment attempts to address, and that is that, at the moment, the way this bill is structured, there can essentially be no competition between any attempt at demand-responsive public transport and the existing ACTION services. The analogy I used the other day when I was discussing this amongst my colleagues is the way things used to be in the bad old days of the conflict between government and non-government schools. You could not get permission to open a non-government school if it competed with an existing government school. That is the whole problem. We are trying to build an economy in the ACT which is predicated on competition. There are many close to Mr Hargreaves who understand the concepts of and the necessity for competition. I hope that those lessons will be learnt.

If the bill passes in its present form, it will not meet the demands of the people of the ACT. I expect that we will be coming back to revisit it. I hope that we will constantly and regularly revisit this because it will be necessary to do so to build a proper demand-responsive public transport system. I foreshadow that the opposition will be supporting Dr Foskey's amendment because that goes part of the way to making it really responsive to people. When there is competition we will have real demand-responsive public transport.

This is a big ask. It is a big ask in a town which is spread out and has low population densities. It is part of a package that we need to see develop over the years, a better integration of transport planning and urban planning generally, which the government talks about but so far has not delivered upon. We need to see real attempts at integration and what some amongst the cognoscenti call seamless mobility, whereby you can get off one means of public transport and onto another. We need to have some compatible ticketing so that, if you get off your ACTION bus and get on the demand-responsive system which is nearby and will take you closer to your front door, you do not have to be juggling different sorts of ticketing; that it really is demand responsive; that there are ways of ensuring that people's needs are met.

One of the things that we should be looking at is a full range of demand-responsive public transport, including the encouragement of systems which are almost voluntary systems. The one that I have most experience and understanding of is one that runs in various parts of Switzerland called CARLOS, which is a glorified but very secure system of hitchhiking. It encourages people to pick up other people and take them from one place to another. There is seamless mobility; there is an attempt to get people from close to their front door to a mode where they can get other transport and move efficiently through the transport system.

There is much more that we can do. This is a good start. I congratulate the minister on the bill. There are some things that we should be addressing. I echo the sentiments expressed by Mr Pratt here this morning in relation to the role of the ICRC in setting fares. I am concerned, as Mr Pratt is, that we are allowing the minister to set the fares. It is not a criticism of any particular minister. Ministers have a whole lot of responsibilities.

If you put together the fact that, as the legislation currently stands, the minister cannot create a demand-responsive transport system which competes with the ACTION bus system and you add to that that he also has the power to control the fares, he has, in the wrong hands, the power to stymie the system before it gets off the ground. I would like to see this work and I would like to see a system which is more flexible than is currently proposed in this legislation. I will work with the minister to make it so.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.50), in reply: Firstly, I address a couple of points that were raised in the debate. I thank members for their support at least in principle, if not in some of the detail. We may discuss some of the detail a little later.

A couple of really quick points: I make this comment for the benefit of Dr Foskey. Mrs Dunne has a very clear idea of the difference between a route service and a charter

service. We talked about this before. We are talking about demand-responsive transport going down specific routes approved by the minister. I am not talking about someone ringing up and saying, "I have got 10 people and I want to go somewhere else." That is why we talk about any possible competition between ACTION bus routes and that sort of thing. It is a route service that we are talking about. For example, going from the airport to Parliament House, a good part of that journey follows the same route as an ACTION bus would or could go. So we need to look at it in that context.

Mr Pratt raised the issue of the level of controls contained within legislation, particularly in relation to delivery. You might remember that he was a bit worried that people might be—how do you put it?—discouraged in a sense from getting into the game because of all of these controls. I just say that there are no more controls on this than already exist for the taxi system or for the hire car system. They are exactly the same. They are a series of standards that the industry must apply. So there is no intention to make it any more or less difficult than it is to apply in those other industries.

In fact, having particular legislation available will encourage people, if they want to get into the marketplace, to do so. The accreditation is not terribly onerous when you consider that a lot of these operators are already operating buses anyway. If you look at the CBD limousine service, they have a number of small buses, MO plated, which run charter services. They pick up some disabled kids and take them to school. Under this system, they will be able to define a particular route and run that bus. They can, if they want, make an arrangement with airport management about ranking and all that stuff out at the airport and do a run from the airport to Civic, the airport to Parliament House, the airport to Belconnen Mall, or whatever. That can happen under this legislation. It cannot happen at the moment. There is that issue.

We will not be supporting the two amendments that will be put forward. My colleague Mr Gentleman will explain why that is with respect to Dr Foskey's amendment in a minute. I might now address the reasons why I am not going to support the ICRC amendment and save us a bit of time when we come to the detail stage.

I urge members to look carefully at the legislation. We are talking about the minister establishing the minimum level of fees; we are not talking about a minister setting a particular fare; we are talking about a minimal level and a calculation methodology; we are not talking about \$25 a trip, or 45c a kilometre, or \$16 a passenger or anything like that; we are talking about setting a minimum level. The market will then determine the level above that. That mechanism exists.

Another reason why I have not given my support to the amendment about referral to the ICRC is that, when we change the taxi fares, that group of people—and it is now the limited company, Canberra Cabs; it was a cooperative at one point—must apply to the ICRC for that taxi fare increase. Remember that the taxi fare increase is a maximum, not a minimum, which is what I am proposing in this legislation. They have to apply for that fare increase and they have to pay the ICRC for the privilege of making that determination. When ACTION buses want to put the fares up, they do the same thing. I do not have an exact figure but I was told recently it was something up around \$200,000. It is not going to be a free thing.

If the minister sets the minimum level, the process would be that submissions would be received from the industry, from the sector, and would be evaluated against the prevailing conditions of the determination made by the minister. That determination will be a disallowable instrument and, therefore, put on the table of this chamber. If members have a discomfort with that, they can move for its disallowance and a debate can ensue. That is a safeguard against a minister wanting to put the minimum level up too high, for example, or, indeed, too low. I believe there are safeguards contained in there. It is not an added cost to the sector. We are talking about a minimum figure here, not a maximum figure. We want the marketplace to find its own level.

Much has been made about this being the start of something. I need to correct the record on that. This is not the start of something; in fact, this is the latest in a suite of transport reforms which were kicked off by my colleague Mr Corbell when he did the one-fare anywhere change from the zonal system on buses. We have had various changes to bus travel since, trying to encourage people onto them. Bike racks are one such change.

We are now trying to roll out some real-time advice to passengers about bus deliveries. We have the bus lanes. I have forgotten who introduced it—probably the previous government. We have encouraged that. We have on-road cycle lanes now. We also, under my stewardship, have introduced reforms in the wheelchair-accessible taxi system. We have deregulated the hire car system by doing what I consider to be, finally after some trouble, a decent buyback for them. I have to say that the hire car industry is going gangbusters at the moment. There are enormous numbers of people entering the marketplace.

Another reform that we have made is to announce the release in April of 10 leased plates for taxis. We will have up to 40 but, if the demand is even bigger, we will add more than that. We will be leasing them at \$20,000 a year, which is about \$5,000 a year less than the current leasing prices for those with perpetual licences who are leasing their vehicles to somebody else. On the day we announced the intended release of those 10 plates, we had a dozen inquiries about them. That was just on the day. I am expecting there to be a lot more.

If the release goes really well, then we will release another five, or something like that, a little further down the track. We will give it about six months so that it settles down. I do not want to flood the marketplace. We will do that further release. This demand-responsive transport is another tranche in our development of a sustainable transport plan. More importantly, as Dr Foskey put it, it gives people alternatives to travelling in their motor car.

We recognise that it is difficult at the airport, but I have to say that it is difficult at the airport during peak hours in terms of its slowness. It can also be difficult out there because we do not have enough cabs when rather large-sized jets land in the middle of the day. I know that because I have travelled there. You can find anything up to 15, 20, 45 or 50 people standing there at the cab rank and about a dozen cabs. It is incredibly frustrating. This transport system will mean that there is an opportunity for an alternative proposal.

I know that I was approached by a group of people who do a regular trip—there are about eight of them and they regularly go from the airport to Parliament House—and who go in a number of cabs. It is frustrating for them. They would take one vehicle if it was available to them.

This legislation will make it easier for the current bus service operator, which is basically a charter bus service that Deane's runs between the airport and Civic. I am a bit concerned and I was concerned—I am not 100 per cent sure that they are operating properly under law—but this legislation will fix that. If my fears are groundless, that is fine. But if my fears are real, this will fix that. I commend this legislation to the Assembly. It is a good step, a further step forward. As I said, I foreshadow that we will not be supporting the amendments being proposed in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 17, by leave, taken together and agreed to.

Clause 18.

DR FOSKEY (Molonglo) (5.01): I move amendment No 1 circulated in my name [*see schedule 4 at page 614*].

I would have to be deaf as well as blind to think that the government was going to be supporting this simple amendment, which would allow for more flexibility in the guidelines for giving authorisations for demand-responsive services. At present, the bill stipulates that the guidelines may not allow the minister to approve any proposal for services that may have an adverse impact on the viability of an exiting regular route service.

While I commend the essence of this clause, which is, I believe, to protect the viability of our ACTION bus service—a viability that I also want to continue—I feel that the need for us to establish the most efficient and effective service possible is of higher importance. I believe that it can and should be done without undermining the essential service provided by ACTION and without diminishing the work opportunities for ACTION staff. Thus my amendment allows the minister to consider any adverse impacts.

You will note that it is still up to the minister to decide. He may decide, in any particular instance, whether the operator's proposal offers a better deal for Canberra's public transport users than the existing regular route service. For example, an operator—and it could even be a government-run operator—may decide to run a service which goes where an existing flexibus evening service runs. The minister may decide that it is more efficient to operate a smaller, more regular service along the same route as the flexibus and hence attract more users. This is, of course, not the only instance where a smaller operation could service an area more effectively than a large existing ACTION service

and it would be wise to allow room in the legislation for these eventualities during an establishment phase.

However, I understand that the minister for ACTION buses would rather not allow any amendments that have a potential to undermine ACTION. I sympathise with that. Unfortunately the Minister for Urban Services, who is the minister who introduced this bill, has not supported this amendment as he does not see it as a step forward for public transport options in Canberra.

Although the Greens are fully supportive of the ACTION bus network, it must be accepted that, for Canberra's public transport to be overhauled, there will need to be gross changes in the future and they may not always be in favour of ACTION. For any large changes to be made, the government will need to work with the Transport Workers Union to ensure that there is always plenty of warning of changes and sufficient support is put into place for retraining when necessary. In the case of the introduction of light rail, which we anticipate and fully support, this will certainly be the case.

So it has been disappointing to discover while working on this bill that again the minister for transport and Minister for Urban Services seems not to have been able to make the best decisions for Canberra's public transport options.

MR PRATT (Brindabella) (5.05): The opposition will be supporting Dr Foskey's amendment, as I foreshadowed in my earlier speech. The reason we will be doing that is this: the flexibility in the bill which allows the minister more opportunities to look at each of the applications that might come forward would allow overall a more responsive service, a more imaginative supplementary service that can supplement and, indeed, in many cases even support the existing ACTION bus services.

If the minister is allowed to make decisions against applications without being constrained by the act, because the act determines that there might be a threat to an ACTION bus service—if he or she has got that flexibility—then this allows the minister to deal with each application on a case-by-case basis. It might even be advantageous for the minister and indeed for the community—and the minister might determine that an individual case will be advantageous to the community—for him to allow that application to proceed, even if he thought it was going to clash with an ACTION bus service. That flexibility would be there to do that.

At present, the minister will not be able to do that. The minister will be restrained by the act. He will not be able to make flexible determinations. Even if the minister does not want the flexibility to say, "Damn it, I will allow this application. I do not particularly care if it is going to really undermine this particular ACTION bus service," if he thought at least, "This service will have merit and it only presents a minor threat to an existing ACTION bus service," he cannot now make a determination on that basis. It is a bit of a shame that he will not have that flexibility to even address minor threat issues, which would add that little bit more of an option and put another layer of transport service on top of the existing system. After all, I am sure that the minister is all about making determinations which are in the better interest, the greater interest, of the community, not just a particular transport provider. The opposition will be very strongly supporting Dr Foskey's amendment. We commend it, minister.

MR GENTLEMAN (5.08): First of all, let me read from this clause in the bill as it is written out:

The guidelines must provide that the Minister must not give a person an authorisation for a demand-responsive service if the operation of the service will have an adverse impact on the viability of an existing regular route service.

Dr Foskey's amendment says:

The guidelines must provide that the Minister must consider the impact (if any) of the operation of a proposed demand responsive service on the viability of existing regular route services when deciding whether to give a person an authorisation for the demand responsive service.

The government will not be supporting Dr Foskey's amendment to this bill, for several reasons. Here in the ACT we have a public transport system that is fair and equitable for the Canberra community, with regular transport routes that are easily accessible. The clause, as it is set out now, will help to ensure that the ACTION authority remains the primary provider of public transport around Canberra.

By agreeing to Dr Foskey's amendment, there could be a misinterpretation of the clause, allowing the chance for other competitors to undermine the public transport provisions we have in place. The current public transport system that services Canberra is continually undergoing close scrutiny to improve and extend the services as needed. Today we have seen the minister's new plans to further improve the public transport system by investigating a new bus route to allow commuters to travel to and from workplaces, schools and major shopping centres with more ease and shorter travel times.

The bill, as it stands now, allows for a comprehensive investigation into whether a demand-responsive service is what is best for the ACT or whether the service, as it stands, is the best for the community. If there were to be a demand-responsive service provider, their systems would have to be well researched and not obstruct the service we already have in place to look after the Canberra community.

Our current public transport service provides a well-rounded availability to an access-affordable and punctual service. The ACT government has worked hard consulting with the community to provide the most effective service to allow Canberrans to travel around this wonderful city with ease.

Earlier we heard from Mr Pratt crying about what he and the opposition would do with the public transport service provider. What would they do? They would sell it. Yes, they would sell it. How do you suppose that they would do that? Let me inform you: they would most certainly take full advantage of Dr Foskey's amendment, if it were to be agreed to today, by introducing a demand-responsive service provider on an existing regular route service.

If Mr Pratt were the minister for ACTION, he would most certainly introduce competition, as he says. He says, "There will be no negative impact on the already existing public transport provider." There is your lead-in. Introducing private competition would lessen the services that are being provided now. This, in turn, would

upset the Canberra community, making ACTION a less viable option for the government to maintain and therefore easier to sell.

This is not a scary concept for the current government as we are opposed to Dr Foskey's amendment. But if by some stroke of luck the opposition regains government, then we would be worried. If we agreed to the amendment proposed by Dr Foskey today, it could destabilise the current public transport provider and leave the way clear for misinterpretation and the introduction of unnecessary competition. This would certainly mean the loss of jobs in ACTION. With this in mind, the government will not be agreeing to the amendment.

MRS DUNNE (Ginninderra) (5.12): Once again, what we hear from Mr Gentleman is a mindless apologia for the Transport Workers Union, with no comprehension at all about what demand-responsive public transport is all about. It is about responding to demand, Mr Gentleman, and if there is demand out there someone should respond to it. What we have here is a proposal that says, "At all costs we will quarantine ACTION from any competition, irrespective of whether or not they are meeting demand." This is a fundamental failure on the part of Mr Gentleman and his cronies, whose only operation in this place seems to be to stand up for the TWU at the expense of good public transport policy in the ACT.

This is why we are tinkering around with a daft idea for a busway when all the research that Mr Corbell commissioned in the KBR report points to the fact that we should go for a light rail system. All the figures stack up: we would be better in the long run. But no, why do we not have a light rail system that has been proposed here, and instead a bus system? It is because the bus system is run by ACTION, and it is about storing up brownie points with the TWU. If we have a light rail system, there will be less rolling stock, fewer drivers, much, much less maintenance and fewer people per piece of rolling stock, per passenger kilometre, being employed in the transport system.

What we have here today is the beginning of an approach that should meet the demands of people in the ACT for public transport, but it will falter at the first hurdle because I suspect that Mr Hargreaves has been nobbled in cabinet by the left of the cabinet and the left of the party room saying, "No, no, no, we can't do that because we will upset our mates in the TWU." But what we are doing is institutionalising protection from competition.

Mr Gentleman said that the current transport system in the ACT is fair and equitable. But, if it were fair and equitable, we would be having a whole lot more patronage. We would not be dealing with the issues that Dr Foskey rightly pointed out—that people who live on the periphery and who work non-standard hours have to resort to their own private vehicles because there is no reasonable public transport. Children who are working their way through university, people who are trying to enter the job market and people who work in hospitality must have a car. Young kids must have a car to work in hospitality. Many people in this town get their first job working in hospitality, but you cannot finish a shift at 10 or 11 at night or two or three in the morning and get a bus home. And, even if you could get a bus home, under the current route structure it would take you hours—and you do not do it. That is why we need to find a system that is demand responsive.

As Mr Gentleman said, ACTION is the primary provider, and we cannot do anything that would change that, irrespective of the community benefit. If there were real competition in this place and someone could do the job better, we would have to be lumbered with ACTION irrespective of how inefficient it is. At the moment ACTION is providing a gradually improving service, but it has a long way to go. But, if there is no competition on routes, that service will not improve markedly.

Let us just take another example of where competition has made a difference. Fifteen years ago there was one telecommunications provider in this country and what we saw was the same tired old service—and it was expensive. We had the entry of other organisations to provide service in the telecommunications area, and what did we see? A radical drop in prices and a diversification of services. That happened because Telecom, as it was then known, and then Telstra were not completely and utterly quarantined from competition. But we will never see that improvement in the quality of public transport in this city while the people on that side ensure that the primary provider continues in its monopoly state. This is a monopoly on public transport, which, if Dr Foskey's amendment does not succeed, will continue, to the detriment of public transport in the ACT.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.17): I want to speak in support of the government's position on this amendment. Some of the arguments we have heard from Mrs Dunne—and, unfortunately, even from Dr Foskey—have been very unfortunate, because they do not demonstrate a fundamental understanding of the way public transport works in any city, let alone in Canberra.

This amendment fails to demonstrate that the public transport provider is already, obviously, heavily reliant on public sector funding, and that is the case in any city. Public transport does not operate at a profit. What is important in providing public transport is that, to the extent that it is able to draw revenue from patronage, we do not want to create a situation where the private sector is allowed to come in and cherry pick the profitable routes, leaving the public transport provider to be the provider of last resort for the low-volume, undesirable routes that no private sector provider will operate on. That is why the government does not support an amendment that allows for discretion in this matter.

There should not be discretion in this matter because, otherwise, it will be open to a future minister—I do not believe any Labor minister would act in such a way, but I am not so confident about a future Liberal minister—to act in a way that is detrimental to public transport provision. For that reason, there should be no disadvantage to the existing public sector operator, and that is why we do not support the proposal put forward by Dr Foskey, which provides for that discretion, which is dangerous in terms of the long-term viability of public transport provision in this city in a comprehensive way.

Mrs Dunne made some interesting assertions about pandering to the TWU. I am quite amazed by those comments, but it is the sort of paranoid conspiracy theory you get from Mrs Dunne and indeed from those opposite. I imagine that at some time in the future there will be a light rail network in this city, and I know one thing: its drivers will be TWU members.

DR FOSKEY (Molonglo) (5.20): I will be very quick. Do not forget that I spent some time in Kennett's Victoria, including living in Melbourne in 1990, the year that the conductors were taken off trams and there was, I think, a tram strike for about three months. I am also aware of the selling off of bus routes in Melbourne, and that in the post-Kennett years the government has found itself buying some of those back. So I am aware of Mr Corbell's concerns—in fact, I would share some of them—although I am surprised that he thinks there is going to be a time when there will be a Liberal minister for transport. But it does sound as though, if we are going to get light rail in a hurry, there needs to be. So the Greens are in a little bit of a quandary here. Nonetheless, I do think that Mr Corbell has taken an extreme view on my amendment and is taking the precautionary principle perhaps a little too far in this case. I commend my amendment to the house.

MR PRATT (Brindabella) (5.22): Just to put Mr Gentleman's fears to rest, I do not think we were talking about wanting to see ACTION services destabilised. I think we are only supporting this motion because we see some benefit of a little bit of competition around the margins of the existing public transport system. That is what we said. We did not say that we were opening the door—as you were portraying it, as you trembled over there in your boots—or that this would be end of civilisation as we know it. We simply want to add some layers of flexibility to make the existing system and service—the system you must make, my dear chap—in the best interests of the community, not in the best interests of nefarious lobbyists. We support the amendment.

Question put:

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

The Assembly voted—

Ayes 7

Noes 8

Mrs Burke	Mr Pratt	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Mulcahy		Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

MR PRATT (Brindabella) (5.26): I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

MR PRATT: I move amendments Nos 1 and 2 circulated in my name together [*See schedule 5 at page 614*].

I have covered the point that we have made regarding what we believe should be the role of the ICRC to determine the fares. All I will simply repeat here is this: how can the

market determine the correct level of fares if the minimum fare is set above the ACTION fare? If the minister is going to set the minimum fares against the benchmark of existing ACTION fare services, what motivation is there going to be, what drive is there going to be, for an enterprising response service, which merely wants to supplement existing ACTION bus services, to come forward and compete?

If the minister sets a minimum fare, I feel this will really block competition. How can a new provider provide any level of service unless they know that their fares are going to be set by a neutral umpire? That is why we have the ICRC in this town: it provides those sorts of neutral determinations. So the opposition reiterates the need for the determination of fares for new players coming into the field to be set by the ICRC. We just think that will open up the opportunities. It will provide, again, a more imaginative and flexible transport landscape, which must more greatly benefit the ACT community. Again, the most important issue here is the service that we provide to the ACT community, and I am sure the minister wants to do the best he possibly can. The ICRC determination will provide a fairer and more concise determination in these matters and, therefore, I commend the amendment.

MRS DUNNE (Ginninderra) (5.28): Mindful of the need for haste, I just need to put on the record the concern that the opposition has about the faulty notion of setting the minimum fare, because the whole problem with setting a minimum fare is that this is one of the elements of the current legislation that will mean that we will not have demand-responsive public transport in the territory. As things stand, the minister is going to be in a situation where he will set fares in such a way that there will be, again, no competition with ACTION, and this will mean that it will be exceedingly difficult for people to succeed.

It seems ludicrous that in a market you would set the minimum cost. I can understand perhaps a maximum cost, so that there is no price gouging, but setting a minimum cost really is designed to entrench the monopoly of ACTION. I am heartened by the fact that the minister draws attention to the fact that this is a disallowable instrument and that there is scope for the Assembly to intervene in his determination. But that is not enough consolation for me and the opposition, and that is why we have moved the amendments.

DR FOSKEY (Molonglo) (5.30): At first blush it seems reasonable to argue that what is good for the goose is also good for the gander and that, given that the ICRC is used as the body to make decisions for fares at both ends of the public transport spectrum, it ought to be the ICRC rather than the minister who deals with this demand-responsive, hybrid form of public transport as well.

However, I understand, and Mr Hargreaves referred to it, that a referral to the ICRC costs about \$200,000. That kind of expense might be justified when dealing with an industry-wide or monopoly pricing policy. But the problem we have in applying it here, as a rule, is that the various demand-responsive transport services are likely to prove small, diverse and competitive. Each service may adopt a different fare structure, although it was noted in the substantive debate that we recommend a transparent, easily understood fare structure be applied across Canberra.

If there does develop a need for a general look at appropriate fare structures across the field, the minister can certainly refer it to the ICRC. But at this stage it seems

unnecessary and unreasonably costly and quite complicated to refer all pricing as a matter of course. So I will not be supporting the amendments.

Amendments negatived.

Clause 18 agreed to.

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

Bill agreed to.

Personal explanation

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming): With the house's indulgence, I would like to make a personal explanation under standing order 46.

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

MR QUINLAN: Yes, I do.

MR SPEAKER: Please proceed.

MR QUINLAN: Earlier, in the MPI, Mr Mulcahy made some accusation that my "Adopt-a-Road" signs were free advertising and I was not attending to the road. I would like to seek leave to table my latest invoice from Koomarri Ltd, to which I have paid \$220 on a quarterly basis to clean that road. It keeps the road clean and provides employment for disabled people. I would just like to advise the house that I have been doing that for some 4½ years and I have probably expended about \$4,000 making sure that that road is clean. I do keep an eye on it—and it is generally kept in good order—and, at the same time, provide some employment opportunities for mentally disabled people. I would expect Mr Mulcahy to correct the record, particularly after the dissembling personal explanation he gave over the quarterly reporting on the assisted migration program yesterday.

Motor Sport (Public Safety) Bill 2006

Debate resumed from 16 February 2006, on motion by **Mr Quinlan:**

That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (5.34): I do note the time so I will try to summarise this. Basically, the opposition will be supporting the bill, although I wonder to an extent whether we need it. In one way I see this bill, though, as an indication that the government may either be introducing a very elaborate smokescreen or, hopefully, is fair dinkum about building a major sport facility such as a dragway, which a bill like this would have relevance to.

In fact, this bill lifts a lot from the New South Wales bill, which does a reasonable job in terms of major motor sport facilities. I am concerned about smaller motor sport facilities, the current four disciplines we have here at Fairbairn Park, blocks 306 and 601. I note the intention in the bill is not to have them included, but there is potential for that to happen. That does cause me a concern and I will come to that in the detail stage with my amendment. But there is no intention at this stage to have the bill apply to them—for good reasons, because they are regulated by the Confederation of Australian Motor Sport anyway and they have very strict requirements in relation to licensing, track standards et cetera. ANDRA also has very strict standards in relation to dragway racing.

We will look to see how this bill operates. Obviously, it will pass today and we will see how it operates in practice. I am concerned that there may be abuse of powers. The history of motor sport in the ACT has been somewhat chequered in terms of difficulties with some government departments—and some bureaucrats, too, within those departments—with not sufficient support in many instances from governments of all persuasions, and needless impediments put on the sport. I certainly hope that this bill does not do that. If it does, if this bill is an impediment, we will certainly repeal it if we are the government. But I do not think it has been put forward on that basis.

There are a number of issues that I am quite satisfied with, having had a briefing. I am concerned that initially I was advised that the consultation was with the major motor sport bodies nationally and internationally like CAMS and ANDRA. I am pleased to see that there was some opportunity to consult with the local motor sport bodies and an undertaking—certainly by the bureaucrats, and I am sure the minister will do this too—for any further consultation that will be needed in terms of the regulations. I was heartened to hear from the bureaucrats that local motor sport will be very much involved in the regulations, which are a very important part of this bill.

New South Wales are not happy about one aspect of their act. They reckon it is better for the police to administer it, not sport and recreation. I understand here it is envisaged that the Department of Urban Services will provide the inspectors. That, to me, seems reasonable. I do not know whether they have the complete expertise, but I would certainly think they would have some expertise there, and naturally can gain some more.

I am pleased to see, and I am sure the minister will reiterate this, that the existing Fairbairn Park facilities are exempt and there is certainly no intention to have them come under this bill unless they significantly change. I hope that remains the case. That sounds sensible to me.

Geoff Develin of the Canberra International Dragway had some concerns, specifically on clause 25 and the power for authorised persons to enter the place at any reasonable time, which, I think, means during business hours and also when the place is being used. With motor sport often they are not used during business hours, and that was the concern of Mr Develin and the dragway people. I was advised by the officials that there are safeguards in relation to clause 28—and that is indeed so—and at any rate they are very keen to work with motor sport. I certainly hope they do so.

Some other concerns that the dragway people had were in relation to clause 9 and the full name and address of a person. I think the dragway here is an incorporated body and they

are covered by that. As I indicated earlier, there was a concern that motor sport would not necessarily be involved in the development of regulations. There is an undertaking by the bureaucrats that they will be, and I certainly will seek that from the minister. There was also some concern about a licence fee. Especially for smaller motor sports, even a moderate fee of \$1,000 a year would be very excessive. I have been advised in the briefing that there is no contemplation of what the fee will be. I suppose it does not apply if Fairbairn Park is not being included in this, but certainly we will watch with interest what the fee is.

Those are the main points I have in relation to the bill itself. We will see how it operates. I do see it as an indication maybe that this government is fair dinkum about a dragway. I certainly hope that is the case and I look forward with interest to seeing whether that happens and also to seeing how this legislation pans out.

DR FOSKEY (Molonglo) (5.39): I am not sure about the wisdom of beginning my contribution to this debate, because I suspect I am going to be interrupted; nonetheless, I will start. Perhaps we can be grateful that the ACT is the last jurisdiction in Australia contemplating enacting laws such as these. When Canberra played host to the V8 supercar race, it was on commonwealth land, so we did not need these dedicated laws; we just had to foot the bill for it. While it was an abject failure in terms of boosting the ACT economy and delivering benefits for Canberra residents, it was a very successful exercise in socialising costs and privatising profits, which, in some circles, is the definition of good government.

This bill presages the coming of yet another fossil fuel fiasco in the form of a government-sponsored dragway. But this latest white elephant will hang around, demanding to be fed, for years to come. And, if anyone thinks it will be satisfied eating peanuts, think again. The dragway's closest competitor would presumably be the New South Wales Sydney International Dragway, which cost the New South Wales taxpayers \$30 million in 2004. In 2005, the operators of that venue celebrated the fact that they were operating at a profit, but neglected to highlight the fact that they went back to the New South Wales government to seek, and received, an additional \$3 million. The lesson seems to be that a dragway being next to the largest city in Australia really can be profitable to its operators, but only if it receives regular massive injections of public funding.

The Canberra dragway, if it goes ahead, will draw its customers from a city a tenth of the size of Sydney—unless, of course, Sydney comes to Canberra. From the government's own research, it seems that the Canberra dragway is highly unlikely to be able to operate at a profit independently from injections of public funding either. I do remain open-minded, but I am becoming very sceptical of the public benefit of funding a dragway.

I mention the dragway now because this bill seems to be designed with the dragway in mind and I am confused by the absence of any mention of the dragway in the Treasurer's presentation speech. Is this because the dragway has not been approved yet? In fact, the environmental and social impact reports have not even been written yet, so I hope the decision to go ahead with its construction has not been made yet.

Nonetheless, a bill like this is probably desirable to have on the ACT statute books, and as such, with a few reservations, I will be supporting it. The scrutiny of bills report raised serious concerns regarding the open-ended nature of the chief executive's discretion under the bill. My office echoed and expanded on those concerns and I welcome the government's positive responses to our suggestions. However, merely substituting the minister for the chief executive does not address the open-ended nature of the power. Despite the Treasurer's reassurances, the explanatory statement does not provide adequate guidance as to the purposes of this bill. Given that these powers may well be exercised by the Administrative Appeals Tribunal, and scrutinised by the Federal Court on appeal, some guidance as to what consideration should guide their decisions would be appropriate.

I also echo the concerns of the scrutiny report regarding clause 38 (3). I have received a satisfactory explanation for the necessity of incorporating international standards into the regulations. However, I remain concerned that regulations should be made publicly available as soon as possible after taking effect, and preferably before they take effect. I urge the government to ensure that sufficient resources are allocated to ensure that incorporated documents are placed on a publicly available database as soon as possible after taking effect, and preferably before they take effect, in draft form, when that is possible.

Clause 10 (4) is one example of where the bill attempts to codify procedural fairness by specifying time limits on the exercise of various powers. In one regard this is admirable in ensuring that the rights of the licence applicant are protected by statute. However, procedural fairness is an unstated requirement of all government decision making, and codification of such rights can sometimes be counterproductive—for example, where it fails to allow for those occasions where the gravity or urgency of the situation means that natural justice can be achieved by a phone call or a fax.

Of course, if the applicant consents to a proposed condition, there is no issue, and if there is an issue of public safety the minister can immediately suspend the licence. However, there may be situations when neither of these considerations apply but it is in the public interest that a condition apply immediately. While this is a possible but unlikely scenario in the context of this bill, I raise this point largely as an issue for consideration when drafting future laws.

Motor racing by its very nature involves the emission of various toxic compounds. Presumably some of the conditions and incorporated documents will contain environmental standards that must be adhered to. I do not think we can rely on international motor sport bodies to set appropriate health and environmental standards for Canberra residents and visitors. I personally would like to know what is in those clouds of smoke breathed in by the crowds who get excited watching cars spinning around in circles and burning tyres. I cannot imagine that the smoke does not contain a fair proportion of carcinogenic and other pathogenic compounds, and I await with interest the government's own environmental impact research to either verify or dispel my concerns.

Clause 13 provides a penalty of 20 penalty points for failure to comply with licence conditions. This is a manifestly unrealistic deterrent considering the damage to the public

interest that might flow from breaches of licence conditions, particularly those concerned with health and safety.

Clause 25 (1) (a) gives an authorised person power to enter a place with or without the consent of the occupier. I support this approach and hope that the regulations will not circumscribe this important regulatory power. Clause 33 (2) provides that the chief executive must give written notice of any reviewable decision made under the act. I welcome the public accountability inherent in this measure and I hope that ACTPLA and the planning minister take note of the scope of this notification requirement when next assessing whom to notify of impending development proposals. However, I note with some alarm the range of reviewable decisions that must be notified in clause 32 and fear that forests will have to fall to fulfil this obligation. The drafters may not anticipate problems with this requirement, but I do.

I anticipate that the construction and operation of a dragway would generate considerable opposition, and probably administrative review challenges, not least among the residents of north Canberra who are not internal combustion engine fanatics and who will have to bear the high-pitched scream of drag car engines whenever the dragway is in operation. In this light, I hope the government has carefully thought out the scope of this notification requirement. With these few reservations, I will be supporting this bill, as amended.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.47), in reply: I thank members for their support, such as it is. Given the time, debate on the bill will be adjourned. There will be amendments, but I am sure that they will be discussed at the appropriate time.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

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

Statement by member

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming): I ask for leave of the Assembly to make a statement concerning my impending retirement.

Leave granted.

MR QUINLAN: First, let me apologise for the extended length of the notice period of my retirement. That was forced upon me by pressures of the media, and we wanted to get

the right story out, rather than one that might have been corrupted somewhere along the Chinese whisper chain.

I am retiring and I want to commence, effectively, my last speech in the place with the thank you remarks that I think that I should make. I want, in the first instance, to register my thanks to the people of the ACT for allowing me to have the honour of having the jobs that I have had over the last eight years. I want to register my gratitude to the Australian Labor Party for allowing me to represent it. It has been a great privilege to do so and to be part of a party that has so many people that are, in fact, passionately wedded to their particular beliefs.

I want to register my gratitude to the colleagues with whom I have worked: to Jon Stanhope, who has been the leader, and I have been the deputy over that period of eight years, and the team with whom I have worked, whose company I have really enjoyed and who are genuinely stimulating people, and the people who have gone before them.

I have to make special mention of Bill Wood. The first time I came into this place I sat next to Bill and, without his really knowing it, he taught me a few lessons very quickly. Bill was never one to hit the black-and-white button straightaway, Bill was never one to make absolute statements when they were not necessary, and Bill was one to give credit to anybody, regardless of which party they represented, if they had done something constructive or beneficial. I do register that thanks and I repeat my thanks to these colleagues who are now registered amongst my lifelong friends.

I want to thank the staff that have worked with me. I have been particularly fortunate to have a complement of staff of significant longevity in the office, people who have been of tremendous support. Again, they are now, of course, my lifelong friends. I also want to register my gratitude to the number of DLOs that have worked in my office since we took government. They merged quite seamlessly into the process that we have and they always maintained their independence from matters political. In terms of the operation of the office, again we have been blessed with some terrific people that at various times have worked in our office. I cannot speak too highly of those people.

I want to thank the Assembly staff for the support processes that are provided in this place. I have described it elsewhere as a boutique parliament. It is a parliament that does run on a shoestring. We run on minimum resources and it is a credit to all of the staff here that we seem to get the job done as well as, if not better than, most other parliaments across Australia with the minimum of resources.

I want to register my gratitude publicly to Margaret Spalding, my partner, for all the times of download. We have had some terrific discussions and will continue to do so, but we have also been able, with our different roles, to download. As the saying goes, a problem shared is a problem halved, or whatever. An onus shared is often an onus halved as well. I genuinely appreciate that and I think that many times I might have done a little better for that shoulder, that assistance, that advice. So thank you.

To the people in this place, I would like to apologise to anybody whose senses I have offended in any way and, for all the hurt that you have heaped upon me, I forgive you. I have to say that when I first came into the place I enjoyed the theatre of this Assembly. It

is an intimate place and I have enjoyed it. In opposition, and even in government, I have looked forward to question time. I want to register my disappointment at the paucity of the questioning of me over the last four years. Nevertheless, I have truly enjoyed it.

I have to say, to be a little bit negative along the way, that the repartee has been falling off a little bit, guys. You guys have an obligation to the people of Canberra to maintain a standard of wit and repartee that is up to, if not better than, that of any other parliament in Australia. Over time, in earlier days, there have been a number of people in this place—Kate Carnell; Gary Humphries; Bill Wood; Kerrie Tucker; Paul Osborne, like him or not; Wayne Berry, when he was unshackled by the chains of office that he now holds—who have been contributors to the wit of the place. I do counsel you to put a little bit of work into that. It does not matter how harsh you are, if you can put a little bit of humour into it. I think that this place would be a better place for that.

I would like to close by wishing this Assembly well. I am very confident that this government will continue and go from strength to strength. I am very confident in the revised team that you will see operating over the next couple of years. May I say that I wish the opposition in its current form, and all of its support structures, a long life in politics.

I do wish more success to the true hearts. To come into this place, you have to have some form of ego, so let us admit it. You do need that to put yourself forward and get into politics. But most of us, most of the time, are genuine in our motivation to contribute to the benefit of the city and the territory in which we live. I wish everybody in this place in that pursuit, and future members of this place, every success in so doing. On the days when you think it is all about you, just remember that it is really all about Canberra, and we constituents and pensioners that need you. Where is my seniors card?

I close by saying to all of you that I am happy to have served in this place and I am happy that it is time for me to depart from this place. Thank you.

Adjournment

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

That the Assembly do now adjourn.

Mr Ted Quinlan—retirement

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.58): Today, the Assembly farewells from its ranks a man of many parts and, unlike the curate's egg, all of them are good. It is often said in criticism of politicians that they lack a certain knowledge of the real world. This ACT Assembly, perhaps more than most parliaments, is immune to a great extent from that handicap. Most who end up on these benches in this Assembly have enjoyed very real lives indeed before their election. Most of them, of course, hope to enjoy very real lives afterwards as well.

In nobody here today are that prior reality and that future hope better embodied than in Ted Quinlan: a proud member for Molonglo, Deputy Chief Minister, Minister for

Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, Minister for Racing and Gaming, and Treasurer.

Ted Quinlan entered the Assembly after the 1998 election, bringing with him the skills and qualities that always come only from a rounded and rich life. An accountant by training and recognised as Australian Public Sector Accountant of the Year, he combined a successful career with a commitment to the community, giving his time and talents to respite care, the volunteer centre, Rotary, the Variety Club, and a host of sporting and social clubs. It was at this time, during his association with the Weston Creek Bowling Club, that the word “treasurer” would first be used in connection with his name.

The legacy of that community involvement is the man Ted is today, a man of deep and enduring community networks, a man with many friends in many walks of life. Of course, those early associations, in particular the sporting associations, must carry some of the blame for the fact that this is Ted’s last sitting day. All that football, all that running around, have exacted their delayed revenge on Ted’s knees. That, perhaps, prompted him to think about the life that awaits him after politics a little sooner than he might otherwise have done; indeed, rather sooner than we wish he had.

Mr Speaker, as Labor leader in the Assembly, I have been privileged to work with Ted Quinlan since 1998. I and my Labor colleagues have benefited from his wise counsel, his strong sense of social justice and his capabilities as a parliamentarian. For most of that time, I have been privileged to watch him hone his already considerable skills as a cartoonist—an incisive watcher of people, capable of rendering human absurdity with great accuracy. I might say that I am glad that I sit at his shoulder and have sat at his shoulder for all of those years in the chamber, rather than opposite him and another potential subject for his scrutiny. I am not aware whether Ted has kept the many hundreds of portraits that he had drawn of members over the last eight years.

The ACT’s economy is a stronger, more mature, more confident and more enthusiastic one for Ted Quinlan’s considerable contribution to the governance of the ACT. The most recent business expectation figures from the chamber of commerce were so good that the chief executive asked for them to be double-checked. He should have just walked out of his office and looked around. The city is bursting with enthusiasm, keen to get on with the business of building a better life for every person who makes their home here. Our unemployment is at a near record low and a staggering number of businesses are planning to put on more staff in the coming quarter.

A good part of the credit for that historically unparalleled good mood must go to Ted Quinlan. He has overseen the successful brokering of the \$600 million City West redevelopment which will fundamentally and permanently alter the relationship of this country’s premier university and the commercial part of Canberra. He helped seduce NICTA to the nation’s capital, positioning us to claim a larger share of the information economy. Trade missions he has led have brought tens of millions of dollars in export earnings to the ACT this year alone. The capital works now under way or in the pipeline—government ones like the GDE, the prison and the west Belconnen school—as well as the billions of dollars worth of private sector development in Civic and other town centres, are bringing construction jobs in the short term and permanent jobs in the long term.

Perhaps most significantly, Ted directed the development of the government's economic white paper, the most comprehensive strategic blueprint ever undertaken in relation to this community's business future. Ted has long and robustly defended our interests when it comes to the apportioning of federal grants, securing territorians something close to their fair share.

Through thick and thin, no Canberran could ever have been in any doubt that Ted Quinlan had the interests of the ACT—of ACT ratepayers, of ACT taxpayers, of ACT businesses, of ACT workers and of ACT families—at heart. Balancing those often competing interests is not for the faint-hearted. Ted Quinlan may be crook-kneed, but never faint-hearted. I thank Ted Quinlan for his service to his city and his generosity as a colleague and a friend. Thank you very much, Ted.

Mr Ted Quinlan—retirement

MR MULCAHY (Molonglo) (6.03): I would like to add some words on this occasion of farewelling Mr Quinlan as Treasurer. Mr Speaker, the real reasons for Ted Quinlan resigning and his timing probably remain a bit of a mystery. He was a canny footballer, I understand, and has been a canny politician. Since he intends to continue living in Canberra and one of Canberra's main industries is rumour, clearly he does not want to set any hares running about what he really thinks about the various players whose paths he may cross at some time in the future, and I understand that.

Mr Quinlan came to Canberra as a footballer; that is, one who kicks an oval-shaped ball and does not throw it. I removed the word "proper" that Ian Wearing had put in my notes, as he is a South Australian and I played rugby union. I understand that Mr Quinlan was a rover and, as such, he played a key role in picking up crumbs from his ruckmen and passing the ball out to dashing players on the flank and wing. I hear he was very good at the flick pass. The rovers often do not receive the accolades that they deserve. They are generally loyal supporters and servants of the star players and they feed the ones who get the glory. The team may win but they never get to hold the cup.

Often that is how it is in politics. Those of us who know the game recognise the contribution, however, of a good team player. But that does not necessarily mean that a team has made best use of the player's talents. So I have some sympathy with Mr Quinlan's rather rueful remark last year that a prophet is not heard in his own land. I believe that Mr Quinlan has done a very good job against the odds but, as the budget and outlook show, the odds have been rather overwhelming. The ball did bounce his way during a period of high growth in the ACT economy, but not always do things prevail as one might hope.

I think that he is leaving big shoes to fill. I have always given him appropriate respect for his competence in the field. I have regularly said that I am not sure that his perspective is always appreciated on the other side, but I do think that he has reflected in the very short time I have been in the Assembly a genuine interest in trying to do a good job on behalf of the people of Canberra. He has demonstrated his external experience. Notwithstanding what the Chief Minister said, I would like to see people with more external experience in this institution.

He has, in my view, shown that he does have competence and a good command of the facts of Treasury. Of particular importance, and I did say this in a media statement I issued, I am very firmly of the view that he is a person of integrity and that, sadly, is not always a feature that is linked with politicians in Australia. I think we are down the bottom of the pole in terms of public perceptions. But I think that Ted Quinlan is an individual who has demonstrated that he does hold values of integrity. I certainly wish him well in his future endeavours. I understand that he will be moving into quasi-retirement. I express the very sincere hope that the Canberra community will continue to see the benefits of his undoubted talents.

**Mr Ted Quinlan—retirement
Mr Roland Manderson**

DR FOSKEY (Molonglo) (6.07): I have only known Mr Quinlan at close quarters in this place, which is not really very close, for a little over a year, but I want to say that I will miss very much the kind of presence that he has brought to this Assembly. He remarked on humour and wit. I am quite sure that he is very aware that he contributed a lot of that to the Assembly. But, not only that, he has contributed a kind of calmness that has given the appearance of wisdom, for which I commend him. Perhaps it is a wise move for him to leave now. I am sure that that kind of consideration has been given to it.

I want to acknowledge at the start of this speech the contribution of my adviser, Roland Manderson, who has been here for a lot longer than I have and he should be given credit where credit is due.

In wishing farewell to Mr Quinlan, I would like to return the favour he has bestowed regularly on members at the end of most sitting years. In 1999, for example, Mr Quinlan gave members a day on notional calendars. He gave May Day to Mr Berry and the 1994 grand final day to Mr Osborne. In that spirit, I was considering awarding to Mr Quinlan union picnic day, which is really about easygoing relaxation, because it looks like the last picnic has happened at around the time of Mr Quinlan's last sitting day here. However, I decided that he should have Melbourne Cup day because he seems to have sustained a good rapport with the gambling and racing industries over the years. Given that he will no longer have to worry about cup day being a sitting day, he will be able to put his feet up and rest his knees.

In 2001, Mr Quinlan gave members scholarships and academic awards. As Mr Quinlan is now leaving this place, it would seem appropriate to offer him a travelling scholarship, perhaps to a range of golf courses and socially responsible golf clubs, with, I trust, the chance to develop new business relationships out on the fairway. In 2002, Mr Quinlan bestowed proverbs on members. With that in mind, "a fool and his money are soon parted" and "he goes a'sorrowing who goes a'borrowing" are proverbs that spring to mind, particularly as they seem appropriate to our present fiscal environment.

In terms of the interests that I, and Kerrie before me, have championed in the Assembly, such as affordable housing, environment protection and triple bottom line accounting, I am tempted to bestow on Mr Quinlan "inaction speaks louder than words". However, in taking a broader view of his contribution, it seems to me that "he who laughs last laughs best" describes him well.

In 2003, members were given games such as “Chess”, “Trivial Pursuit” and “Risk”. For Mr Quinlan, it could be a card game such as poker, as long as he has hold of the bank, or better yet Monopoly, where he would start with all the utilities and could do some smart deals in order to put hotels on expensive property, near a university perhaps.

Finally, in 2005 most members were given dolls—not I, by the way. For Mr Quinlan, it would need to be something sartorial. I was thinking of an action figure, a ninja turtle perhaps, or He-Man, with all those friends who are masters of the universe. In the end, though, I thought you cannot go past Mattel and their Barbie line, though we would need to make a few modifications. To Mr Quinlan, then, an Uncle Ken doll with a blazer, white shoes and oodles of charm, and now all the time in the world.

Mr Ted Quinlan—retirement

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (6.11): It is with regret that I rise tonight to farewell my colleague Ted Quinlan. When reflecting on how best to farewell Mr Quinlan, I thought it appropriate to use language befitting a man of his standing and status as a qualified accountant. However, I ultimately thought it would be unfair to spend five minutes speaking in a slow, boring, monosyllabic tone, given that Mr Quinlan’s preference for using flowery language in this place has proved him to be anything but a stereotypical accountant.

Phrases such as “holy grail on the hill” and “head like a Mongolian trotting duck” have echoed round this chamber for the past several years and I know that the place will not be the same without someone suggesting that John Hargreaves should purchase for himself an Aussie cliché doll. Ted’s language has been almost as flowery as the hippie costume that he wore to launch last year’s Floriade celebrations. However, I still thought it appropriate that I speak to Ted in his native tongue, so I have prepared the following based on terms in *Accrual accounting: issues and policy implications for departments and non-business government entities*.

It is my “fiducial duty” to say that for some time Ted has been a successful “going concern” in this place with “net profits”. He could be described as anything but a “gross margin” and his “cash is far from petty”. When reviewing the “balance sheet”, it is clear his “benefit outweighs his cost” and his “debt to credit ratio” is high. He has “significant assets”, although unfortunately his lower left leg “gearing ratio” has been “depreciating” for some time and will need an urgent “capital injection”. It is hoped this injection will improve his “price elasticity” and prevent further “negative gearing”.

Ted has several “intangible assets”. However, rumours persist about his penchant for frequent “overliquidity”, which can only be corrected by an “abatement of excess” and “absorption of working capital” to “ameliorate” the aforementioned “liquidity”. This can lead to significant “inflation”, followed by sudden “deflation” and a drop in “gross weight”.

Amongst all the talk of factions in the Labor Party, I should point out that while Ted and I have made different “factional pledges”, he has never to my knowledge made an

inappropriate “related party disclosure” and has never acted “below the line”. As a member of the right faction, he might be described as a “conservative investor”. However, I think a more accurate description would be that he has invested considerable “equity” in this government to “rise” our “fair market value”.

I am “indebted” to Ted’s support for me during our time here together and “appreciate” his good humour and service to the government and the Labor Party. He has set a “high benchmark” for us all. His loss will be a significant “contingent fixed and floating liability” and we will miss the “perpetual goodwill” he has generated amongst all of us here. Thank you, Ted.

Mr Ted Quinlan—retirement

MR STEFANIAK (Ginninderra) (6.14): There’s your new Treasurer, I think, Chief Minister.

In farewelling Ted, I think it should be mentioned that his staff are going, too. He made mention of his staff. They have been a very approachable staff for members of the opposition and have always been helpful. To Ted’s staff, especially longstanding members such as Jeff, Narelle and Adrian, all the very best for whatever endeavours you follow as well; you have been part of a team.

Ted did a lot for the ACT before he started to get into politics in 1998, not that I knew him before he got here. I probably saw him as a young bloke. He is one of the few people in this place older than I am. When he started playing for Manuka, I used to go with some of my mates at Narrabundah high school to watch because they used to play juniors with Manuka.

He came to this Assembly in 1998 after a very distinguished career. That one was not a good election for the Labor Party, but I think he had a few hundred votes more than most of the candidates and he was the first Labor guy across the line in Molonglo. Of course, the rest is history now.

Ms MacDonald: No, he wasn’t.

MR STEFANIAK: I am sorry, did you beat him?

Mr Quinlan: We are changing history here.

MR STEFANIAK: It is your farewell! At any rate, you are both here. Ted certainly has been a worthy member of this place, both in opposition and, of course, in government. I like the way he can and he does give stick and, unlike some of his colleagues, he can certainly take it as well. I have always appreciated your very dry sense of humour, Ted. I think that that has helped this place a lot. I tend to agree with your comments in relation to the need for more humour there.

Your colleagues are going to find it very hard to replace you. In fact, I doubt that they will be able to recover from your loss. Whilst we are not privy to it in opposition, it must be fairly obvious to all of us that you have usually given very wise counsel and you have brought to your cabinet and caucus meetings some very sensible, commonsense,

practical ideas which sometimes, no doubt, your colleagues have taken note of and other times they have not, probably to their peril. Maybe you could have done more, maybe you could not, but your contribution has been a very positive one and has been very beneficial to the people of the ACT.

You are no doubt aware, and you have probably said so a few times, of what personal highlights you have achieved in relation to your time here. I have appreciated working with and against you, especially on several matters. The first major thing we would have done together would have been with regard to community contributions by licensed clubs. I do not think our first cut was terribly good when we were in government. I certainly appreciated talking to you and also to Paul Osborne and Dave Rugendyke and what we all came up with, which we still have today. I think there is a very sensible regime there and I appreciate your common sense there.

Similarly with the gaming legislation. I know that we have yet to see how a few points there are going to pan out. There might have been a few little errors there and a few things that could have been done differently, but I think that the contribution and the discussions that you and I had in relation to that in a largely bipartisan approach have served that industry, and indeed the wider Canberra community, well, particularly around things such as class Bs for taverns. The issues around note acceptors might be a bit more tricky, but there were lots of other issues there which were resolved in a bipartisan manner and a commonsense manner and which obviously serve the industry well. I thank you for that.

I was very happy indeed when you got responsibility for sport, as I think I said at the time. Anticipating that perhaps we might not win the 2001 election, I made reference at Ainslie that if anyone else had to be the sports minister in the new government, my wish was that it would be you. I think you have done a pretty good job there, too, on the whole.

I think that probably the biggest legacy you will leave behind, the thing your colleagues will miss the most and we will miss the most, is your down-to-earth, commonsense approach. Good luck to you, Ted, to Margaret, and to your family. I am sure that we will catch up over a beer in the not-too-distant future. Thank you for your contribution.

Mr Ted Quinlan—retirement
Departure of Assembly personnel
Ms Kate Vaughan

MRS DUNNE (Ginninderra) (6.18): Mr Speaker, today is a day for farewells. Lots of people have departed recently from this place or are about to depart. To Ted, good luck. I hope that you have better luck out there than you had with reining in the big spenders that you sit with. I will miss the witty epithets. I take your point about humour, Ted. I think it is most important. I am not sure that I ever want to see that gallery of cartoons; just keep it to yourself. Perhaps it will make a great Labor fundraiser one day.

I would like to thank you and your staff for the long and cordial relationship that I have had with you and them, both as a staffer and as a member. In addition to wishing good luck to you and Margaret, I wish good luck to Steve, Narelle and Jeff in particular. I

suppose I will continue to see some of them at least at the Wig and Pen after their departure.

A few other people have left here. Ken Wilson, from the ABC, has left to go back home to Townsville. I would like to wish Ken, who was here for 6½ years, good luck, along with Sarah, Liam and Charlotte. Also, Ben Doherty is going off to the Spencer Street soviet today, I think. He was here for a shorter time. I know that on one occasion at least he was called intrepid. I think he is an up-and-coming young journalist. He has scored a few marks around this place with particular front pages. I think that the Quamby one is one that he holds particularly close to his heart. I wish both Ken and Ben Doherty success in the future.

The real reason I stand here today is that, like Ted, I am a very fortunate member in having loyal staff stay a long time. Kate Vaughan will be leaving in a couple of weeks, to some extent at my beckoning, to look at greener fields. She is moving to the United Kingdom to work for some time. Kate is a true believer; yes, we have them on this side. She is a great and loyal member of the Liberal Party and she will be working on honing her campaigning skills with the Conservatives in the UK. I hope that she will bring her new skills back to Australia.

Kate is my longest serving staff member. She has been with me since mid-2002. She started as a student and has grown into the job, becoming my full-time supporter and general organiser. Kate is fiercely loyal. She holds very high standards of conduct and she has been a great political staffer in an environment in which trust and confidence are the highest currency. She has been, to me, a cross between a cheerleader, a nagger, a mum, a minder and an innovator, and she is someone that I could not clone. I am starting to regret that I encouraged her to look further afield. I will miss you, Kate. I will miss your smiling face. Good luck in the future.

Mr Ted Quinlan—retirement

MR SMYTH (Brindabella—Leader of the Opposition) (6.21): Mr Speaker, I rise to congratulate Mr Quinlan on his retirement. It takes a wise man to know when it is time to go, when it is time to push on. I think that Ted has made a number of decisions like that in his life when he has swapped careers. One of the changes brought him here in 1998, oddly enough at the same time as I came in, so we have served for the same length of time. I do not think that people appreciate the sort of challenge that it takes to go through the preselection process which all of us in this place go through and then, not on one or two but three occasions, face the public. In that regard, he is to be greatly congratulated.

His philosophy is not the same as mine, but you can always respect Ted because he does say it clearly and he does say it plainly. I think that that is something that, apart from the humour, some of us lack in this place. You always knew where you stood with Ted, except on one thing; that is, the definition of economic cycles. We have had some banter about where an economic cycle starts and where an economic cycle finishes. He reaches immediately for his chart. I have a more advanced textbook than he has and I actually have a better chart than his chart. It would appear that I am about to get a retiring gift. I hope it is true that he actually does know when economic cycles start and finish because, surely, in private enterprise the person who knows when things are going to turn is the person who is going to get the most reward and make the most bucks.

Ted has been well served by his staff in this place. Of all the offices I have had to deal with, the staff that I would have to say I have had the most joy in dealing with have been Ted's staff, particularly Narelle and Jeff. If you did not get a straight answer, you got a good giggle if nothing else. They are certainly held in high regard by most people on this side, if not all, and certainly by the media, which is testimony to Ted's choice in staff.

I understand that Margaret, his partner, is going to put him to work and has on the fridge a list of things to do: she does not want you sitting around or getting idle.

Mr Quinlan: She will kick me out of the house. I will get locked out of the house at 8.00 am every day.

MR SMYTH: Locked out of the house, is it? The fall from grace is rapid and swift and it is obviously large. I am reminded of Tim Fischer's line about roosters and feather dusters. Ted, thanks very much for what you have given to your territory. It does take a great deal of courage to stand up and it also takes a great deal of courage to go. On both counts you have had that courage, and well done. I shall treasure the Ted Quinlan memorial economic cycle photograph, which I will hang in my office. Ted, best of luck to you and Margaret in the future.

Mr Ted Quinlan—retirement

MS PORTER (Ginninderra) (6.24): Mr Speaker, as one of the new kids on the block, I would like to reflect on Mr Quinlan's departure from this place. Rather than dwelling on his long and illustrious career, as lots of people have done before me, I would like to think about the relaxing period that he is entering into, or at least that is what we are led to believe. I doubt every much that it will be a relaxing period, from what I have heard.

Mr Quinlan, you have been here eight years and you have served this place very well and the territory very well and I thank you very much for that. I want particularly to acknowledge, with the Chief Minister, your work in various voluntary capacities. They are too numerous to mention, but I would acknowledge the ones with the Canberra Labor Club board, on which I sat with you, and the wonderful job that you do on the Volunteering ACT board of governance. Thank you very much for that.

I will not dwell anymore on the past, but rather imagine your possible future. We all know that you will be going under the knife again, but in your time of recuperation and rest I am sure that you will have plenty of time to think about your future with Margaret and your family. I will never let a chance go by, Mr Quinlan, without mentioning the V word. Thank you very much for the gift that you kindly gave me at Christmas, the volunteer doll with its price tag attached.

May I suggest that you look at the various unpaid work that is there begging for your wonderful skills. It is called volunteering because it is about choice. The Latin word for "to will" is the word that volunteering is based on. It is about choice and there is plenty of choice out there, but let us not forget that it is unpaid work and let us acknowledge it as that. But you have plenty of choice. The world is your oyster. Once your knee is in working order and you get on your feet, the opportunities will be endless. I have my volunteer doll at hand should you need some assistance with any advice from it.

May I also present you with gifts that might come in useful in the future. These are virtual gifts, of course: a clock without an alarm; a shirt without a matching tie; a pair of loafers; a holiday planner; sunglasses, a shady hat and sunscreen; a year's subscription to any Aussie rules games that you might particularly want to attend; a box of the best drawing pencils and an endless supply of recycled paper to doodle on; and a new set of lawn bowls. Enjoy them all and thank you very much.

Mr Ted Quinlan—retirement

MRS BURKE (Molonglo) (6.27): Ted, this is not goodbye; this is farewell. Ted Quinlan, this is your life!

Question resolved in the affirmative.

The Assembly adjourned at 6.27 pm until Tuesday, 28 March 2006, at 10.30 am.

Schedules of Amendments

Schedule 1

Children and Young People Amendment Bill 2005 (No. 2)

Amendments moved by Dr Foskey

1

Clause 4

Proposed new section 11 (2), note

Page 3, line 5—

omit

(see s 68 (aa))

substitute

(see s 68 (2) (a))

2

Clause 10

Page 4, line 20—

omit clause 10, substitute

10

Section 68

omit everything before paragraph (c), substitute

68

Principles

- (1) If a decision is to be made under this part in relation to a young person or young offender, the decision-maker must give paramount consideration to the principle that the young person or young offender should be dealt with in a way that—
 - (a) acknowledges the needs of the young person or young offender; and
 - (b) will provide the young person or young offender with an opportunity to develop in socially responsible ways.
 - (2) If a decision is to be made under this part in relation to a young person or young offender, the decision-maker must also make the decision in accordance with the following principles:
 - (a) regard must be had to the best interests of the young person or young offender;
 - (b) if a young person does anything that is contrary to law, the young person should be encouraged to accept responsibility for the behaviour and be held accountable;
-

Schedule 2**Children and Young People Amendment Bill 2005 (No. 2)**Amendments moved by the Minister for Children, Youth and Family Support**1****Clause 16****Proposed new section 159 (3)****Page 10, line 10—***omit*

suspects

substitute

believes

2**Clause 17****Proposed new section 162A****Page 11, line 1—***omit***3****Proposed new clause 18A****Page 12, line 10—***insert***18A New section 189A***insert***189A Public advocate to be told about some incidents**

- (1) This section applies if—
- (a) the chief executive receives a report about a child or young person under section 158 (Voluntary reporting) or section 159 (Mandatory reporting); and
 - (b) because of the report, the chief executive makes a child protection appraisal for the child or young person; and
 - (c) at the time of the incident that gave rise to the report—
 - (i) the chief executive had parental responsibility (sole or shared) for the child or young person; and
 - (ii) someone else (the *authorised carer*) was exercising parental responsibility for the child or young person under section 31 (Authorisation to exercise parental responsibility for particular child or young person) on behalf of the chief executive; and
 - (d) the incident either—
 - (i) involved the authorised carer; or

- (ii) happened while the child or young person was in an approved care placement.

Note The chief executive may have parental responsibility for a child or young person under any of the following provisions:

- under a family group conference agreement (see div 7.2.1)
 - under a voluntary care agreement (see div 7.2.2)
 - under a care and protection order (see pt 7.3)
 - after emergency action is taken (see div 7.3.4).
- (2) The chief executive must give a report to the public advocate about—
 - (a) the incident; and
 - (b) what action (if any) the chief executive has taken because of the appraisal.
 - (3) For this section, a child or young person is in an ***approved care placement*** if the child or young person is—
 - (a) placed in out-of-home care in the form of—
 - (i) foster care; or
 - (ii) kinship care; or
 - (iii) care provided under a residence order (see s 207); or
 - (b) taking part in a contact visit with someone and the contact is—
 - (i) allowed under a contact order (see s 206); or
 - (ii) approved by the chief executive.

4

Clause 21

Proposed new section 405 (b), note

Page 13, line 17—

omit

- s 162A (Records about authorised carers to go to public advocate)

substitute

- s 189A (Public advocate to be told about some incidents)

5

Clause 21

Proposed new section 405B (2), definition of ***child abuse appraisal information***

Page 14, line 23—

omit the definition, substitute

child abuse appraisal information means information—

- (a) in a record of a child protection appraisal (an ***appraisal record***) made under section 162 (b) (Chief executive must record reports); or

- (b) in a report (an *incident report*) to the public advocate under section 189A (2) (Public advocate to be told about some incidents); or
- (c) that would allow information in an appraisal record or incident report to be worked out.

6**Clause 21****Proposed new section 405D (2), note**

Page 17, line 17—

omit

- s 162A (Records about authorised carers to go to public advocate)

substitute

- s 189A (Public advocate to be told about some incidents)

7**Clause 22**

Page 19, line 20—

*omit clause 22, substitute***22 New chapter 18***insert***Chapter 18****Transitional—Children and Young People
Amendment Act 2006****450 Transitional—references to public advocate**

- (1) In this Act:

public advocate includes a person who is, or has at any time been, the community advocate under the *Community Advocate Act 1991*, as in force at any time.

- (2) Subsection (1) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (3) This section expires on the day it commences.

451 Transitional—work experience not employment

- (1) For section 368 (Employing a child or young person), a child or young person is taken not to be employed by a person if—

- (a) the engagement of the child or young person by the person is arranged by an educational institution where the child or young person is enrolled; and
- (b) the engagement is part of a work experience program (however described) conducted by the educational institution.

- (2) In this section:

educational institution means—

- (a) a school, college or other educational institution established or maintained on behalf of the Territory; or
- (b) an approved educational entity.
- (3) The Minister may approve an entity (an *approved educational entity*) for subsection (2) (b).
- (4) An approval is a notifiable instrument.
Note A notifiable instrument must be notified under the Legislation Act.
- (5) Subsections (1) to (4) are laws to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (6) This section expires on 30 December 2006.

Schedule 3

Racing (Jockeys Accident Insurance) Amendment Bill 2005

Amendment moved by the Treasurer

1

Clause 4

Proposed new section 61A

Page 2, line 13—

omit proposed new section 61A, substitute

61A Definitions—pt 5A

In this part:

1987 NSW Act means the *Workers Compensation Act 1987* (NSW).

1998 NSW Act means the *Workplace Injury Management and Workers Compensation Act 1998* (NSW).

ACT jockey means a jockey, apprentice jockey or other person who is—

- (a) licensed by Racing NSW as an approved rider; and
- (b) engaged—
 - (i) to ride a horse for fee or reward at a meeting for horse racing conducted or held by the racing club; or
 - (ii) in riding work in connection with horse racing (but not harness racing) on the racecourse or other premises of the racing club.

applied NSW Acts means the NSW Acts applied under section 61B.

injury has the same meaning as in the applied NSW Acts.

NSW Acts means the 1987 NSW Act and the 1998 NSW Act, including the special insurance scheme for NSW jockeys under those Acts.

Note A reference to a law (including a law of another jurisdiction) includes a reference to—

- the law as originally made and as amended (see Legislation Act, s 102); and
- the statutory instruments made or in force under the law (see Legislation Act, s 104).

NSW jockey means a jockey, apprentice jockey or other person who is—

- (a) licensed by Racing NSW as an approved rider; and
- (b) taken to be a worker under the NSW Acts because of the 1998 NSW Act, schedule 1, clause 9 (1) (a) or (c).

Note The 1998 NSW Act, schedule 1, clause 9 (1) (a) and (c) applies respectively to a person who is—

- engaged to ride a horse for fee or reward at a meeting for horse racing conducted or held by a racing club or association; or
- engaged in riding work in connection with horse racing (but not harness racing) on the racecourse or other premises of a racing club or association.

Racing NSW—see the Thoroughbred Racing Act 1996 (NSW), section 3 (Definitions).

special insurance scheme, for NSW jockeys, means the scheme under which Racing NSW provides accident insurance as a specialised insurer for NSW jockeys under the NSW Acts.

2

Clause 4

Proposed new section 61B

Page 3, line 3—

omit proposed new section 61B, substitute

61B Accident insurance arrangements—authorisation

- (1) This section applies if Racing NSW is a specialised insurer under the NSW Acts in relation to NSW jockeys.
- (2) Racing NSW is authorised to provide accident insurance in relation to ACT jockeys.
- (3) The authorisation under subsection (2) is for Racing NSW to act as a specialised insurer in the ACT—
 - (a) in the same way that it acts as a specialised insurer in NSW under the NSW Acts in relation to NSW jockeys; and
 - (b) as if the racing club were a racing club under those Acts.
- (4) Without limiting subsections (2) and (3), the NSW Acts apply in the ACT for those subsections, with any necessary change and any change prescribed by regulation.
- (5) In particular, a regulation made for subsection (4) may include changes for either or both of the following:
 - (a) excluding a provision of the applied NSW Acts;

- (b) applying a territory law in relation to the operation of the applied NSW Acts, including by giving jurisdiction or functions to territory courts or entities.

61BA Accident insurance arrangements—operation

- (1) To remove any doubt—
 - (a) under the applied NSW Acts—
 - (i) an ACT jockey has the same rights and obligations (including rights and obligations in relation to common law damages) in relation to an injury suffered as an ACT jockey that a NSW jockey would have under the NSW Acts in relation to an injury suffered as a NSW jockey; and
 - (ii) the racing club and Racing NSW have the same rights and obligations (including rights and obligations in relation to common law damages) in relation to an injury suffered as an ACT jockey that they would have under the NSW Acts in relation to an injury suffered as a NSW jockey; and
 - (b) the applied NSW Acts do not create any right (whether substantive or procedural) in relation to an injury suffered as an ACT jockey that a NSW jockey would not have under the NSW Acts in relation to an injury suffered as a NSW jockey; and
 - (c) except as provided in paragraph (1) (a) (i), an ACT jockey is not entitled to recover damages for an injury suffered as an ACT jockey; and
 - (d) the *Limitation Act 1985* does not apply to any claim for compensation or damages by an ACT jockey that is governed by the applied NSW Acts.
- (2) Subsection (1) (a) and (b) has effect subject to any regulation made for this part, including a regulation made for—
 - (a) excluding a provision of the applied NSW Acts; or
 - (b) applying a territory law in relation to the operation of the applied NSW Acts, including by giving jurisdiction or functions to territory courts or entities.

3

Clause 4

Proposed new section 61C (1) (a)

Page 3, line 18—

omit

jockeys in the ACT

substitute

ACT jockeys

4

Clause 4

Proposed new section 61D

Page 4, line 4—

insert

61D Application—pt 5A

- (1) This part applies only in relation to an injury happening on or after the day this part commences.
- (2) This section expires 3 years after the day it commences.
- (3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

Schedule 4

Road Transport (Public Passenger Services) Amendment Bill 2005

Amendment moved by Dr Foskey

1

Clause 18

Proposed new section 83 (3)

Page 8, line 18—

omit proposed new section 83 (3), substitute

- (3) The guidelines must provide that the Minister must consider the impact (if any) of the operation of a proposed demand responsive service on the viability of existing regular route services when deciding whether to give a person an authorisation for the demand responsive service.

Schedule 5

Road Transport (Public Passenger Services) Amendment Bill 2005

Amendments moved by Mr Pratt

1

Clause 18

Proposed new section 93 (1A) and (1B)

Page 15, line 23—

insert

- (1A) However, before making a determination under subsection (1) in relation to a demand responsive service, the Minister must make an industry reference to the independent competition and regulatory commission in relation to the minimum fares for the demand responsive service.

- (1B) The *Independent Competition and Regulatory Commission Act 1997* applies to an industry reference under subsection (1A) with any necessary changes and any changes prescribed by regulation.

2

Clause 18

Proposed new section 93 (3)

Page 15, line 26—

insert

- (3) In this section:

industry reference—see the *Independent Competition and Regulatory Commission Act 1997*, section 14A.

Answers to questions

Capital works (Question No 743)

Mr Pratt asked the Minister for Urban Services, upon notice, on 15 November 2005:

- (1) Why, in the 2004-05 June quarter Capital Works Progress Report, is the new works project of "Neighbourhood Improvements" shown as cancelled;
- (2) Has this project been cancelled; if so, why;
- (3) What neighbourhood improvements, and in which suburbs, have not occurred as a result of this project being cancelled.

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

- (1) The 2004-05 "Neighbourhood Improvements" was cancelled and the \$112,000 expenditure was transferred to the 2003-04 "Neighbourhood Improvements" project.

Project construction associated with both programs was delayed due to the extensive nature of community consultation, prioritisation and design of the various minor works.

Commitment of funds for these works were only able to be realised late in the 2004-05 financial year. In response to the low expenditure achieved, ACT Treasury withdrew the uncommitted project funds, which went back to consolidated revenue and were available for other Whole of Government priorities;

- (2) Yes. Refer to (1).
- (3) All works that were deferred as a result of the cancellation of the 2004-05 "Neighbourhood Improvements" program will be considered for inclusion in future Neighbourhood Improvements programs, with \$0.5 million available each year for the next five years. The various deferred projects include local area traffic management, community paths and street lighting within the suburbs of Downer, Watson and Hackett.

Ms Anita Phillips (Question No 787)

Mr Smyth asked the Attorney-General, upon notice, on 22 November 2005:

- (1) In relation to the appointment of Anita Phillips as Community Advocate, when was the position advertised and in what media;
- (2) How many (a) applications were received and (b) applicants were interviewed;
- (3) Was an employment consultant (headhunter) used in the recruitment process;
- (4) Was Ms Phillips invited to apply for the position;

- (5) Was the Government aware of allegations raised by Townsville Councillors about the nature of Ms Phillips employment at Townsville Council in 2004;
- (6) Was Ms Phillips' experience at Townsville Council a significant factor in assessing her suitability for the position;
- (7) Was the Government aware of Ms Phillips' publicly declared intention, via a letter published in the *Townsville Bulletin* on 28 February 2005, "to come home in Townsville to present myself in that role [as a politician] come the next election, after this stint in Canberra".

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

- (1) The position of ACT Community Advocate was advertised in the *Canberra Times* and *The Australian* on the 12 March 2005.
- (2) A total of 15 applicants were received. 7 applicants were selected for an interview, including Ms Phillips.
- (3) No.
- (4) To the knowledge of the selection committee Ms Phillips was not invited to apply for the position.
- (5) The selection committee was not aware of allegations raised by Townsville Councillors about the nature of Ms Phillips employment at Townsville Council in 2004.
- (6) Whilst Ms Phillips' experience at Townsville Council was relevant to the position, it was not considered a significant factor in assessing her suitability for the position.
- (7) The selection committee was not aware of Ms Phillips' comments, which were made prior to her appointment as Community Advocate.

Emergency Services Authority—contracts (Question No 826)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 14 December 2005:

- (1) What requirements does the Emergency Services Authority (ESA) have regarding the posting of contract information on the Buyers and Sellers Information Service (BASIS);
- (2) Is it compulsory that all contracts let valued at over \$50 000 be posted on the BASIS website;
- (3) Are contracts let below this value posted to the basis website; if so have all contracts let since the inception of the ESA over this value been posted to the BASIS service; if not, why not;
- (4) How many contracts in total have been let by the ESA for (a) 2003-04, (b) 2004-05 and (c) 2005-06 to date;

- (5) What is the total value of all contracts let by the ESA for (a) 2003-04, (b) 2004-05 and (c) 2005-06 to date;

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

- (1) The Authority's Chief Executive Financial Instructions outline the policy and procedure for the procurement of goods and services, which complies with the Government Procurement Act 2001 and government procurement guidelines requiring the posting of contract information on the Buyers and Sellers Information Service (BASIS).
- (2) Yes
- (3) Some contracts below \$50,000 have been posted on BASIS; however, contracts under \$50,000 are not required to be posted to BASIS under the Government Procurement Act 2001. Not all contracts over \$50,000 have been posted on BASIS as yet. The update of BASIS for the remaining contracts above \$50,000 is currently being addressed.
- (4) (a) The Emergency Services Authority was established on 1 July 2004. Information for this period relates to the Emergency Services Bureau and information is contained in the Department of Justice and Community Safety 2003-04 Annual Report.
- (b) 62
- (c) 19 (to 31 December 2005)
- (5) (a) The Emergency Services Authority was established on 1 July 2004. Information for this period relates to the Emergency Services Bureau and is contained in the Department of Justice and Community Safety 2003-04 Annual Report.
- (b) \$16.727m.
- (c) \$4.770m (to 31 December 2005).

Emergency Services Authority—expenditure (Question No 827)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 14 December 2005:

- (1) In relation to the annual financial statements for the Emergency Services Authority (ESA) what is the explanation for the difference, as recorded on the Balance Sheet, between the value of Property, Plant and Equipment, according to the Amended Budget for 2005, of \$69.656m and, according to the Actual 2005, of \$39.098m;
- (2) What is the explanation for the difference between expenditure of \$16.683m on Property, Plant and Equipment, according to the Statement of Cash Flows, and expenditure of only \$4.880m on "Additions" to Property, Plant and Equipment, according to Note 22;
- (3) What is the explanation for the increase in Employee Benefits from \$6.947m, according to the Amended Budget 2005, to \$10.009m, according to the Actual 2005;

- (4) Why does the Statement further to the statement of Cash Flows (a) show an amount of \$2.880m appearing in the Actual 2005 but not in the Amended Budget 2005 nor in the original estimates for 2004-05 Budget for the ESA; (b) what was the source of these funds; (c) what investments have been purchased through the use of these funds (refer 2005-06 BP4, page 379) and (d) why has the ESA purchased investments on its own account;
- (5) Why are receivables valued at \$0.613m overdue for more than 60 days and what action is being taken to recover those funds;
- (6) Why are doubtful debts equivalent to around 37 per cent of total receivables and what action is being taken to reduce the level of doubtful debts;
- (7) Why are payables valued at \$0.054m overdue for more than 60 days and what action is being taken to rectify this issue;
- (8) What is the explanation for the difference in User Charges as recorded on the Statement of Cash Flows of \$7.299m and the Profit and Loss Statement of \$7.701m;
- (9) What is the explanation for the difference in Other Revenue as recorded on the Statement of Cash Flows of \$0.621m and the Profit and Loss Statement of \$0.717m;
- (10) Why is the \$0.130m gained through disposal of Property Plant and Equipment as recorded in Note 22 not recorded as a Cash Inflow from Investing Activities on the Statement of Cash Flows.

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

- (1) The difference between the actual value of Property Plant and Equipment and the amended budget value of Property Plant and Equipment for 2004-2005 is due to the original balance sheet budgets transferred from the Department of Justice & Community Safety being indicative estimates only. This is reported at page 70 in the Management Discussion and Analysis Report contained in the Authority's 2004-2005 Annual Report.
- (2) The difference between the expenditure of \$16.683m on Property Plant and Equipment in the Statement of Cash Flows and expenditure of only \$4.880m on "Additions" to Property Plant and Equipment contained in Note 22 is due to Capital Works in Progress, Note 24. In addition, the Statement of Cash Flows is based on cash principles, whereas the 'Additions' in Note 22 relates to the Statement of Financial Position which is based on accrual accounting.
- (3) The increase in Employee Benefits from \$6.947m in the Amended Budget to the actual cost of \$10.009m is due to the original balance sheet budgets transferred from the Department of Justice & Community Safety being indicative estimates only.
- (4) (a) The "Receipts of Transferred Cash Balances" of \$2.880m represents the residual transfer of projects from the Department of Justice & Community Safety to ACT Emergency Services Authority (ESA) after finalisation of all transactions. The transfer of this amount was not known at the time of preparation of 2004-05 Budget.
 (b) The funds were transferred from the Department of Justice and Community Safety (JACS).

- (c) An investment of \$1.760m was placed with the Central Financing Unit in May 2005 for the remaining funds associated with the transferred projects, as shown in Note 20 – Investments.
 - (d) An investment was placed to segregate these funds from the Authority's daily operating funds.
 - (5) The receivables valued at \$0.613m overdue for more than 60 days consists primarily of two debtors. These two debts were provided for in provision for doubtful debts and have been actively pursued by the Authority.
 - (6) The doubtful debts provision of \$0.568m which is equivalent to approximately 37% of total receivables consists of two large debtors as mentioned in 5.
 - (7) The payables valued at \$0.054m overdue for more than 60 days is due to the Authority exercising due care in ensuring invoices were correct for payment.
 - (8) The Statement of Financial Performance incorporating actual User Charges of \$7.701m is based on the principles of accrual accounting. The Statement of Cash Flows with User Charges of \$7.299m is based on cash principles.
 - (9) The Statement of Financial Performance incorporating actual Other Revenue of \$0.717m is based on the principles of accrual accounting. The Statement of Cash Flows with Other Revenue of \$0.621m is based on cash principles.
 - (10) The \$0.130m disposal of Property Plant and Equipment as recorded in Note 22 is the retirement of assets that were no longer serviceable and no monetary value was obtained and therefore not recorded as a Cash Inflow from Investing Activities in the Statement of Cash Flows.
-

**Government—ministerial travel
(Question No 832)**

Mr Mulcahy asked the Chief Minister, upon notice, on 14 December 2005:

- (1) What overseas travel was conducted by each of the Ministers of the ACT Government during 2005;
- (2) What was the purpose of each trip;
- (3) What was the duration of each trip;
- (4) What was the total cost of each trip;
- (5) What are the measurable benefits to the ACT of each trip;
- (6) What other benefits are seen as due to each trip.

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

- (1) (a) The Chief Minister led a business delegation to Japan, Canada and the USA in June 2005;

- (b) The Deputy Chief Minister led the ACT Ministerial Mission to the United Arab Emirates & Qatar in March 2005;
 - (c) The Deputy Chief Minister led a business delegation to China, Ireland and the UK in September/October 2005;
 - (d) Minister Corbell led a delegation to the UK and USA in June 2005.
- (2) See Attachment A
- (3) (a) The business delegation to Japan, Canada and the USA was for the period 05-26 June 2005;
- (b) The business delegation United Arab Emirates & Qatar was for the period 4-13 March 2005;
- (c) The business delegation to China, Ireland and the UK was for the period 24 September to 13 October 2005;
- (d) The delegation to the UK and USA was for the period 1-20 June 2005.
- (4) The total cost of each trip was:
- (a) Japan, Canada and the USA: \$21,192.03;
 - (b) Dubai and Qatar: \$10,930;
 - (c) China, Ireland and the UK: \$9,371;
 - (d) Travel to the UK and USA: \$17,998.
- (5) See Attachment A
- (6) See Attachment A.

ATTACHMENT A

Answers to parts (2), (5) and (6) of the question

(2) What was the purpose of each trip?

(a) ACT Government Ministerial and Business Delegation to Japan, Canada and USA (Mr Stanhope, June 2005)

- Meet management of the Butchart Gardens in British Columbia and the United States National Arboretum in Washington to equip the government as well as possible to consider, decide and manage the complex issues connected with the design, development and operation of the proposed arboretum and gardens in Canberra.
- Support and facilitate seven ACT companies on an e-Government delegation to Washington DC, with a specific focus on the industry sectors of ICT and defence and security. To sign an agreement with CEA Technologies for the establishment of an ACT Industry Office in Washington. To sign an MoU between the Greater Washington Initiative (GWI) and the ACT Government to work in partnership on economic development initiatives to support enterprise development in both regions.

- To support and facilitate six ACT biotechnology organisations to attend and exhibit at the world BIO Conference in Philadelphia. To attend the Australian Biotechnology Ministerial Roundtable meeting.
- Attend the AICHI World Expo in Japan where the Chief Minister delivered a speech at the opening of Schools Day during Education Week at the Australian Pavilion; and visit Nara, our Sister City, (the Chief Minister's first visit) to meet with the Mayor of Nara and discuss possible joint activities for the 2006 Australia–Japan Year of Exchange.

(b) ACT Government Ministerial Delegation to the United Arab Emirates and Qatar (Mr Quinlan, March 2005)

- Support and facilitate seven ACT companies in their efforts to access the United Arab Emirates and Qatar markets.

(c) ACT Government Official Delegation to Shanghai and Hong Kong and Trade Mission to Ireland and the United Kingdom (Mr Quinlan, Sept/Oct 2005)

- Officially open the Canberra Commerce Office in Pudong, Shanghai.
- Accept a longstanding invitation to the ACT Government from the Government of the Special Administrative Area of Hong Kong to visit and meet with a range of officials to discuss strengthening trade links between Canberra and Hong Kong to support enterprise development and innovation. To finalise negotiations and sign an agreement between ACTTAB and the Hong Kong Jockey Club that will allow ACTTAB to offer wagering on every Hong Kong thoroughbred race meeting in the 2005–06 racing season.
- Support and facilitate 10 ACT companies in their efforts to access the Ireland and North of England markets.

(d) ACT Delegation to UK and USA (Mr Corbell, June 2005)

The study tour was designed to examine aspects of best practice in respect of greenfield development, urban renewal, transport-related development and sustainability initiatives. In particular the following areas were examined:

- the response of other jurisdictions in meeting housing growth and sustainability issues, and consider in the UK particularly the impact of growth on the 'Garden Cities' and 'New Towns' upon which many aspects of the ACT's built form are based;
- integrated City/University towns where there is a significant interrelationship (Cambridge/Portland) and how that relationship is managed and facilitated;
- the One Planet Living and Integer sustainable development concepts;
- new urbanist approaches to development (Celebration) and the Master Planned Community Concept. This included attendance at the Urban Land Institute Conference on Master Planned Communities (Denver) and examination of a significant urban infill Master Planned Community; and
- transport-oriented urban edge development, block size and density initiatives, leading edge green building design and construction and brown field development methodology (Portland).

(5) What are the measurable benefits to the ACT of each trip?

(a) ACT Government Ministerial and Business Delegation to Japan, Canada and USA (Mr Stanhope, June 2005)

- Exchange of information and knowledge between gardens and potential exchanges of staff, seeds and plants.
- ACT ICT and defence and security companies increasing export revenues through work into Washington and the US more broadly.
- ACT biotechnology organisations increasing export revenues, collaborating on research and development programs and keeping informed on global trends in the biotechnology sector.
- Agreement between the Chief Minister and Mayor of Nara for Nara City to hold an exhibition of ACT artwork during 2006 at the Nara City Museum of Art to celebrate the Australia-Japan 2006 Year of Exchange.
- Chief Minister was able to personally invite (and receive the acceptance of) the Mayor of Nara to visit Canberra for the Candle Festival, during the 2006 Year of Exchange.

(b) ACT Government Ministerial Delegation to the United Arab Emirates and Qatar (Mr Quinlan, March 2005)

- ACT companies increasing export revenues.

(c) ACT Government Official Delegation to Shanghai and Hong Kong and Trade Mission to Ireland and the United Kingdom (Mr Quinlan, Sept/Oct 2005)

- ACT companies increasing export revenues into Hong Kong and Southern China.
- ACT companies increasing export revenues into Ireland and the United Kingdom.

(d) ACT Government Ministerial Delegation to UK and USA (Mr Corbell, June 2005)

- Enhanced focus on transport planning within a development context.
- Increased sustainability measures in future greenfields and brown field development.
- Progressive incorporation of sustainability components into building design and construction.
- Increased population densities and return on land and infrastructure within the ACT while maintaining amenity.
- Improved governance structures and processes around land and planning involving relevant stakeholders.

(6) What other benefits are seen as due to each trip?**(a) ACT Government Ministerial and Business Delegation to Japan, Canada and USA (Mr Stanhope, June 2005)***British Columbia and Washington and Japan*

- Opportunity to form a first hand and informed view on a range of issues relating to the arboretum and gardens.
- Better appreciation of garden design issues especially for a year round event.

- Better understanding of tourism, visitation and event potential associated with gardens.
- Better understanding of the governance issues and management models.
- Better understanding of the issues surrounding managing endowments, gifts and fundraising.
- Promoting community involvement and the potential for volunteering.
- Maintaining bilateral relations with Canberra's longest standing Sister City.
- Promoting Canberra as an education, and tourist destination.

Washington

- Promoting bilateral trade and investment.
- Increasing awareness of the ACT as a travel destination.
- Promoting the significance of Canberra as the National Capital, the home of Australia's decision makers as an advantage to investing in Canberra.
- Developing the ACT's international partnerships for growth to support ACT enterprise access new markets.
- Leveraging the global reach of ACT companies already operating in new markets.
- Leveraging Ministerial participation by getting access to key decision makers for companies on the mission.
- Sharing information on economic development policies and trends with global economic development agencies.

Philadelphia, BIO 2005

- Showcasing the ACT biotechnology industry at a global forum.
- Sharing information with global economic development agencies and research institutions on industry development trends and initiatives.
- Meeting Steve Burrill, major biotechnology investment fund operator, to discuss strategic partnerships with ACT investment funds.
- Being part of the Australian biotechnology community on the Australian Pavilion.
- Creating opportunities for ACT companies and research institutions to participate in BIO's business and research matching program.
- Instilling a sense of pride within the Canberra biotechnology industry and demonstrating that the ACT biotechnology outputs are world class.

(b) ACT Government Ministerial Delegation to the United Arab Emirates and Qatar (Mr Quinlan, March 2005)

- Promoting bilateral trade and investment.
- Increasing awareness of the ACT as a travel destination.
- Promoting the ACT's research and development capacity.
- Marketing the ACT as a centre for educating foreign students.
- Extending the ACT's network of international contacts and partnerships to assist ACT companies into the future.

- Developing ACT enterprise export and trade expertise.
- Developing understanding of market opportunities in the Middle East.
- Leveraging Ministerial participation by getting access to key decision makers for companies on the mission.

(c) ACT Government Official Delegation to Shanghai and Hong Kong and Trade Mission to Ireland and the United Kingdom (Mr Quinlan, Sept/Oct 2005)

Shanghai

- Promoting bilateral trade and investment.
- Increasing awareness of the ACT as a travel destination.
- Leveraging the global reach of ACT companies already operating in new markets.
- Leveraging Ministerial participation by getting access to key decision makers for the Hindmarsh Group on development projects in Pudong, Shanghai.
- Promoting the significance of Canberra as the National Capital, the home of Australia's decision makers as an advantage to investing in Canberra.
- Marketing the ACT as a centre for educating Chinese students.
- Marketing the ACT Government's Business and Skills Migration Program.
- Developing understanding of market opportunities in Shanghai, and China more broadly.
- Promoting Canberra's economic showcase event Focus on Business 2006.

Hong Kong

- Promoting the significance of Canberra as the National Capital, the home of Australia's decision makers as an advantage to investing in Canberra.
- Developing understanding of the Hong Kong economy and the opportunities provided to companies using it as a base to access the China market.
- Developing the ACT's international network of partnerships for growth to support ACT enterprises access new markets.
- Sharing information on economic development policies and trends with Hong Kong economic development agencies.

Ireland and United Kingdom Trade Mission

- Promoting bilateral trade and investment.
- Increasing awareness of the ACT as a travel destination.
- Developing the ACT's international network of partnerships for growth to support ACT enterprises access new markets.
- Marketing the ACT Government's Business and Skills Migration Program.
- Leveraging Ministerial participation by getting access to key decision makers for companies on the mission.
- Promoting Canberra's economic showcase event Focus on Business 2006.

- Sharing information on economic development policies and trends with global economic development agencies.
- Strengthening partnership with Austrade Ireland and Manchester - Austrade Senior Consultants to be ACT Industry Champions.
- Promoting the ACT's research and development capacity.
- Marketing the ACT as a centre for educating foreign students.
- Promoting the significance of Canberra as the National Capital, the home of Australia's decision makers as an advantage to investing in Canberra.
- Promoting Canberra's economic showcase event Focus on Business 2006.

(d) ACT Delegation to UK and USA (Mr Corbell, June 2005)

- Establishment of mutually beneficial relationships with other jurisdictions, including skill sharing and knowledge transfer.
- Putting the ACT back at the leading edge of planning and in the development and use of land.
- Potential for the ACT to obtain global pilot projects in sustainable development and design.
- The ability to apply the latest in world thinking to the planning of new areas such as Molonglo Valley and North Gungahlin.
- The ability to form a view and a sense of bench-marking as to the ACT's current and planned approach to development viz-a-viz key comparable jurisdictions.

**WorkCover—review
(Question No 843)**

Mr Mulcahy asked the Minister for Industrial Relations, upon notice, on 14 February 2006:

- (1) Does the ACT Government intend to undertake a review of WorkCover as previously indicated; if so,
 - (a) when will the review be undertaken and completed,
 - (b) who will undertake the review and
 - (c) what is the estimated cost of the review;
- (2) Will the findings of the review be made available to the Legislative Assembly.

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

- (1) The ACT Government has not stated an intention to undertake a review of ACT WorkCover.
 - (a) See answer to (1) above.
 - (b) See answer to (1) above.
 - (c) See answer to (1) above.

(2) See answer to (1) above.

**Arts and letters—funding
(Question No 844)**

Mr Mulcahy asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 14 February 2006:

Has triennial funding for the Arts been increased by the consumer price index for the next round of funding; if not,

- (a) what is the basis on which funding for the Arts has been determined for the next triennium and
- (b) how does the Government expect Arts bodies in the ACT to cope with unavoidable cost increases such as wages.

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

The ACT Arts Funding Program is not CPI indexed, therefore multiyear or 'triennial' funding for the 2006-2007 year did not receive a CPI increase.

- (a) The basis of funding for the next triennium has been determined by current commitments to multiyear organisations plus an allocation for anticipated multiyear commitments.
 - (b) Arts bodies are independent organisations and are therefore responsible for the remuneration of staff. However, for the 2006-2008 triennium, in order to assist arts organisations with increasing costs, the ACT Government provided an increase equal to the CPI for the first year of all new triennial funding agreements.
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**Motor vehicles—home-garaged
(Question No 845)**

Mrs Dunne asked the Chief Minister, upon notice, on 14 February 2006:

- (1) How many cars in your department with ACT Government numberplates are home garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 13 February 2006, for each car, how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

As Minister for the Environment I shall be providing a separate response in relation to sections within Environment ACT.

The remaining sections of Chief Minister's Department use no ACT Government number-plated cars. In this context, the answer to the members question is as follows:

- (1) Nil
- (2) Nil
- (3) Nil

**Motor vehicles—home-garaged
(Question No 847)**

Mrs Dunne asked the Minister for the Environment, upon notice, on 14 February 2006:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 13 February 2006, for each car, how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

- (1) How many cars in your department with ACT Government number plates are home-garaged every day

	Number of cars home garaged
Conservation and Land Management	31 cars
Environment Protection	4 cars
Community and Visitor Programs	1 car
Total	36 cars

- (2) How many are garaged by officers on call

	Number of cars on call
Conservation and Land Management	17 cars
Environment Protection	4 car
Community and Visitor Programs	0 cars
Total	21 cars

- (3) Of those which are not garaged by officers on call
 - (a) how many cars are there

	Number of cars
Conservation and Land Management	14 cars
Environment Protection	0 cars
Community and Visitor Programs	1 car
Total	15 cars

Of those which are not garaged by officers on call
(b) in which suburbs are they garaged

Florey, Monash, Chisholm, Calwell, Fraser, Giralang, Deakin, Higgins, Kaleen, Macarthur, Richardson, Weston, Holt, Duffy, Aranda, Kambah, Queanbeyan, Gordon, Farrer, Gowrie, Jerrabomberra, Rivett, Ainslie, Theodore, Banks, Cook, Burra, Tharwa, Pialligo, Mawson, Charnwood, Gungahlin, Amaroo.

Of those which are not garaged by officers on call, how many kilometres were driven
(c) (i) to and from work

	Car	Cars not on call driven to & from work
Conservation and Land Management Vehicles	Car 1	87 km
	Car 2	131 km
	Car 3	204 km
	Car 4	170 km
	Car 5	291 km
	Car 6	104 km
	Car 7	521 km
	Car 8	406 km
	Car 9	343 km
	Car 10	146 km
	Car 11	35 km
	Car 12	29 km
	Car 13	148 km
	Car 14	5 km
Community and Visitor Programs	Car 1	170 km

Of those which are not garaged by officers on call, how many kilometres were driven
(c) (ii) for work purposes

	Car	Kilometres for work purposes
Conservation and Land Management Vehicles	Car 1	287 km
	Car 2	476 km
	Car 3	468 km
	Car 4	315 km
	Car 5	723 km
	Car 6	443 km
	Car 7	889 km
	Car 8	681 km
	Car 9	587 km
	Car 10	860 km
	Car 11	325 km
	Car 12	538 km
	Car 13	705 km
	Car 14	900 km
Community and Visitor Programs	Car 1	267 km

**Motor vehicles—home-garaged
(Question No 848)**

Mrs Dunne asked the Treasurer, upon notice, on 14 February 2006:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call,
 - (a) how many cars are there,
 - (b) in which suburbs are they garaged and
 - (c) in the week commencing 13 February 2006, for each car, how many kilometres were driven
 - (i) to and from work and
 - (ii) for work purposes.

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

- (1) 5
- (2) 2
- (3) (a) 3
 - (b) Page, Fadden and Greenway
 - (c) (i) 117 kms (Page),
210 kms (Fadden) and
243 kms (Greenway)
 - (ii) 101 kms (Page)
209 kms (Fadden)
198 kms (Greenway)

**Motor vehicles—home-garaged
(Question No 850)**

Mrs Dunne asked the Minister for Health, upon notice, on 14 February 2006:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 13 February 2006, for

each car, how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

Mrs Dunne asked a similar question on 29 September 2005, including information sought on vehicle kilometres travelled for the week commencing 19 September 2005. A detailed response was provided 28 October 2005.

In view of the resources required to extract this information, and given that similar information was provided only four months ago, it is not proposed to ask agencies in the planning or health portfolios to provide this information.

Motor vehicles—home-garaged (Question No 851)

Mrs Dunne asked the Minister for Planning, upon notice, on 14 February 2006:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 13 February 2006, for each car, how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

Mrs Dunne asked a similar question on 29 September 2005, including information sought on vehicle kilometres travelled for the week commencing 19 September 2005. A detailed response was provided 28 October 2005.

In view of the resources required to extract this information, and given that similar information was provided only four months ago, it is not proposed to ask agencies in the planning or health portfolios to provide this information.

Canberra Hospital—Ronald McDonald family room (Question No 856)

Mrs Dunne asked the Minister for Health, upon notice, on 14 February 2006:

Further to the reply to question on notice No 602, why was the Ronald McDonald Family Room at The Canberra Hospital closed for three months in 2005.

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

Ronald McDonald Parent Accommodation at The Canberra Hospital was not closed for three months in 2005.

The Governor General's wife, Her Excellency Mrs Marlena Jeffery on 3 June 2005, officially opened Ronald McDonald Parent Accommodation at The Canberra Hospital (TCH). This date was chosen as it was convenient for Mrs Jeffery and fitted with her timetable. The accommodation was opened to parents on 25 August 2005 following commissioning of the refurbished Paediatric Ward and the development of operational protocols and standards to ensure the proper use of the facility as agreed with Ronald McDonald Charities. Parents commenced using the facility on 26 August 2005.

ACTION—SMS bookings
(Question No 862)

Mr Pratt asked the Minister for Planning, upon notice, on 14 February 2006:

- (1) How many SMS bus bookings has ACTION received, per month, since the inception of the Bustext program in March 2005;
- (2) When does the funding allocation for this trial end;
- (3) Is this service a success;
- (4) What is the breakdown of SMS bookings received in terms of (a) suburbs, (b) routes and (c) time of the day bookings are made for;
- (5) When was the SMS Bustext questionnaire launched;
- (6) How many questionnaires have been returned to ACTION since the SMS Bustext questionnaire was launched;
- (7) What percentage of questionnaire respondents agree that the Bustext program should remain in operation;
- (8) Is it possible that the only people responding to the questionnaire are those who currently use the Bustext service; if so, will the Minister take this into consideration when deciding whether to allocate ongoing funding to the Bustext service;
- (9) For how much longer will ACTION keep the questionnaire open to the public;
- (10) When will the Minister make a decision on ongoing funding for the Bustext service;
- (11) Is it likely that this service will continue.

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

- (1) The SMS bus text is an information service to customers, not a booking system.
- (2) There is no cost to ACTION apart from some advertising material and time which has been absorbed into current funding.
- (3) Yes.

- (4) This is not a booking service.
 - (a) N/A
 - (b) N/A
 - (c) N/A
 - (5) 6 December 2006
 - (6) 58
 - (7) One respondent suggested the system be abandoned.
 - (8) There is no allocated funding.
 - (9) The questionnaire is closed. However, ACTION encourages customer feedback for all its services.
 - (10) There is no allocated funding.
 - (11) Yes.
-

**ACTION Buses—security cameras
(Question No 863)**

Mr Pratt asked the Minister for Planning, upon notice, on 14 February 2006:

- (1) How many (a) security cameras are currently installed in ACTION buses, (b) ACTION buses currently have at least one security camera installed and (c) ACTION buses currently have no security cameras installed;
- (2) Are security cameras going to be installed into those ACTION buses that do not currently have any security cameras installed; if so, when will this take place; if not, why not;
- (3) Of the security cameras currently installed in buses, are these all operating properly; if not, (a) how many are not operational, (b) how long and why have they been out of operation.

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

- (1) (a) 178
 - (b) 74
 - (c) 309
 - (2) Yes. Tender process has commenced.
 - (3) No.
 - (a) 1
 - (b) 6 months. Older system deemed not cost effective to replace analogue unit, pending replacement with new digital system in tender process.
-

**Water—burst mains
(Question No 870)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 February 2006 (redirected to the Chief Minister):

- (1) What was the cause of the burst water main that ruptured in Jackie Howe Crescent, Macarthur on Wednesday, 8 January;
- (2) Given that ActewAGL has stated that the quality control was not what it should have been”, what is being done to ensure that adequate quality control is being undertaken at all water main installations;
- (3) How often has the ruptured water main in Macarthur been surveyed in order to attempt to identify problems that may exist before they progress into more significant problems, as evidenced by the Jackie Howe Crescent incident;
- (4) What is the method currently undertaken to identify potential weak-points or other problems in the water network, how are they identified, what occurs once they are identified and how often are inspections undertaken of the network;
- (5) Of the 573 burst water pipes last financial year within the ACT network, what is the estimated volume of water lost due to these bursts and what is the estimated total cost to the Government due to repairs and other associated damage costs;
- (6) What is the cost to the Government regarding the burst water main in Jackie Howe Crescent on 8 January 2006;
- (7) Are any programs of pipe replacement planned for this financial year; if so, where will they occur and how much will they cost.

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

- (1) I am advised by ActewAGL that, as with most burst mains of this nature, it is extremely difficult to be certain of the cause. Canberra soils are susceptible to movement as moisture levels vary and this may have been the cause.

In any case, the main that failed in Macarthur is relatively ‘young’ (about twenty years old), did not have a history of repeated failures, and no leak was evident prior to the burst. The failure is considered a random event.

- (2) Contractors lay major water mains and sewer mains, usually for land developers in new subdivisions. Quality control is a matter for land developers and they are liable for any failures in the first 12 months of operation.
- (3) It is generally not feasible to inspect underground pipes looking for potential faults, and such inspections are not water industry practice except where mains are very old or fail repeatedly. Canberra’s water network is relatively young and, as stated above, the main in question was about twenty years old. Advance warning of failures like that in Macarthur would be exceptional, except perhaps by a leak, and as stated above, no leak was evident in this case prior to the burst.
- (4) Where a section of water main has repeated failures, it will be carefully assessed and replaced where judged advisable.

The breakage rate is heavily dependent on system age and soil moisture conditions. The drought in Canberra in recent times has pushed the break rate higher than in earlier years, but our water mains break rate of 23.8 per 100 km in 2004-05 still compares favourably with other major Australian cities: Brisbane Water 40 per 100 km, Hunter Water 42.2 per 100 km, Sydney Water 37.8 per 100 km and SA Water (Adelaide) 24.6 per 100 km.

ACTEW is currently funding a leakage management project in the South Canberra area where pipes are older. This project, once completed, will enable system flows to be monitored continuously, allowing leakage, which could be a precursor to a mains failure, to be investigated.

- (5) ActewAGL estimates losses due to burst pipes at 50 to 100 million litres per year, or less than 1% of Canberra's average annual consumption. This is extremely low compared with other Australian cities.

The cost of repairs is included in the total maintenance budget of \$8 million for the Water Network in 2005-06 set by the Independent Competition and Regulatory Commission. ActewAGL's professional opinion is that it could not cost-efficiently make a significant reduction in the number of pipe bursts.

- (6) The costs will be incurred by ActewAGL, not the Government. Clear figures will take some time to emerge but depending on insurance outcomes, the upper limit figure should be around \$300,000.
- (7) ActewAGL has no planned water main replacement program at present. As the pipe burst comparative figures indicate, the ACT water network is in better condition than networks in capital cities generally. There is no section of the network that has been identified as requiring replacement at this time.

Community Inclusion Board (Question No 874)

Mrs Burke asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 14 February 2006:

How many people with Indigenous heritage currently hold positions on the ACT Government's Community Inclusion Board.

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

- (1) No current members of the Community Inclusion Board have identified as being of Indigenous heritage.

Public service—indigenous officers (Question No 875)

Mrs Burke asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 14 February 2006:

- (1) How many positions in the Chief Minister's Department above the SOG C level are filled by Indigenous people;

(2) How many of those positions are filled by (a) males and (b) females.

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

- (1) ACT Government staff are not required to identify themselves as Aboriginal or Torres Strait Islander. There are currently no staff in the Chief Minister's Department above the SOG C level who have identified themselves as being Aboriginal or Torres Strait Islander.
 - (2) The second part of the question is not applicable.
-

Health—breast screening services (Question No 877)

Mrs Burke asked the Minister for Health, upon notice, on 14 February 2006:

What programs or forms of assistance is the ACT Government offering to encourage more indigenous women to access breast screening services in the ACT.

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

BreastScreen ACT & SE NSW targets all women aged 50-69 years in the ACT, and has engaged in a number of activities to attract indigenous women in this age group to the Program. Promotional activities usually take a holistic approach to women's health and cover a range of health and well-being issues. In recent times activities have included:

- Providing staff from Winnunga Nimmityjah Aboriginal Health Service with promotional information about the Breast and Cervical Screening Programs.
- Working with Winnunga Nimmityjah to arrange group bookings for indigenous women to attend BreastScreen. This occurred in June 2005 and because it was very successful, a similar process will be put in place again this year.
- Plans to provide an Indigenous Women's Health Forum this year. This is likely to involve Winnunga Nimmityjah, Sexual Health and Family Planning, ACT Health's Women's Health Service and the Breast and Cervical Screening Programs. It will include information promoting breast screening for indigenous women.
- Provision of material developed by BreastScreen NSW to Winnunga Nuimmiyah that specifically targets indigenous women and encourages breast screening for those aged 50-69 years.

The most recent BreastScreen participation rates for Aboriginal and Torres Strait Island women aged 50-69 years for the 2 year period up to October 2005 was 52% compared with 54.5% for all women aged 50-69 years, resident in the ACT.

Gungahlin footpaths (Question No 884)

Mr Seselja asked the Minister for Planning, upon notice, on 14 February 2006:

- (1) In relation to question on notice No PE 50, asked during the recent annual reports hearings, regarding the provision of footpaths in Gungahlin, has a construction program for provision of a footpath adjacent to the units from 226 to 244 Anthony Rolfe Avenue been successfully negotiated with the developer;
- (2) When is the footpath likely to be completed.

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

- (1) No. Despite considerable negotiation by the ACT Planning and Land Authority the developer has and does not intend to provide a construction program.
- (2) The Authority intends to construct the footpath by the end of March 2006. The cost of the work will be recovered from the developer.

**Dragway
(Question No 886)**

Mr Stefaniak asked the Chief Minister, upon notice, on 15 February 2006:

- (1) Where is the proposed dragway project at and what stage is the dragway committee at in its deliberations;
- (2) What is the expected cost of a national level dragway and when is it expected a dragway will be built and completed in the ACT.

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

- (1) As I announced on 20 February 2006, the Government will proceed with a detailed evaluation of a possible dragway at Block 51 Majura, in accordance with the recommendations of the Dragway Advisory Committee. The evaluation phase will include further environmental and planning investigations and a thorough and transparent community consultation process. My department has prepared a Community Discussion Paper, which is available on the net at www.cmd.act.gov.au/actdragway. This Discussion Paper summarises the status of the proposal, identifies the potential issues associated with the establishment of a dragway and outlines the intended consultation process. The Discussion Paper also contains links to the initial feasibility studies and the advice of the Dragway Advisory Committee.
- (2) According to the GHD Cost Report, which was one of the feasibility studies, a staged national standard dragway facility could be constructed for close to \$8 million. As indicated in the Discussion Paper, there are further financial issues which need to be considered. As I have previously indicated, I would expect this project to be completed within 12 months of it receiving all of the approvals required under the Territory's planning and environmental laws. However, as I indicated in my recent announcement, there are a number of planning and environmental hurdles to be cleared before the Government could be satisfied that a dragway could be built on Block 51 Majura.

**Aboriginal health impact statement
(Question No 902)**

Mr Smyth asked the Minister for Health, upon notice, on 15 February 2006:

Have the consultation guidelines for the Aboriginal Health Impact Statement (AHIS) been completed; if so, when were they completed and has implementation of the AHIS commenced; if not, why have the guidelines not been completed, when will they be completed and when will implementation of the AHIS commence.

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

- Consultation guidelines for the Aboriginal Health Impact Statement are complete.
- They were completed at the end of 2005 following a consultative process involving government, non-government and community stakeholders.
- Implementation of the Aboriginal and Torres Strait Islander Health Impact Statement has commenced.

Education—health scholarships (Question No 903)

Mr Smyth asked the Minister for Health, upon notice, on 15 February 2006:

- (1) How many allied health scholarships have been offered by the ACT Government since the program commenced in July 2004;
- (2) What is the total cost of the scholarship program to date;
- (3) What is the Government doing to retain those who undertake a scholarship to work in the ACT Health system;
- (4) What is the feedback regarding the effectiveness of the allied health scholarship program;
- (5) How many scholarships are on offer for the 2005-06 financial year and at what cost.

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

- (1) 33 allied health scholarships have been offered since the program commenced in July 2004.
- (2) The total cost of the scholarship program to date is \$83,113.
- (3) Government is providing a career path for allied health professionals within the fields of clinical practice, leadership and management, research and education; promoting a learning environment that increases knowledge and skills; providing new undergraduates with a more senior worker to ensure mentoring and ongoing professional development.
- (4) Since the allied health scholarship program was introduced:
 - ACT Health separation rate has significantly decreased from 15.9% 2003/2004 to 10.0% Jan 2005-Dec 2006.
 - The separation rate in the cohort of scholarship recipients is 0% to date.
 - Scholarship recipients have stated that the scholarship was an important consideration in choosing to remain with ACT Health when receiving offers of employment external to ACT Health.

- Some recipients have progressed their career path within ACT Health.
- Undergraduate scholarships offered in Radiation Therapy and Podiatry have resulted in a significantly decreased vacancy rate.
- In summary, the evidence is that the allied health scholarship scheme is contributing to the retention and recruitment of allied health staff to ACT Health as an employer of choice, within a national and international climate of workforce shortages.

(5) Scholarships are offered according to criteria being met, including area of need, rather than a set number. The allied health scholarship program is allocated \$100,000 per financial year.

Business— fair trade products (Question No 907)

Dr Foskey asked the Speaker, upon notice, on 15 February 2006:

What steps have been taken to comply with the Green's motion, as passed by the Assembly on 24 August 2005, directing the Assembly to purchase fair trade tea and coffee and other fair trade products, where relevant.

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

When current stocks of tea and coffee are exhausted, the Assembly Secretariat will be purchasing, where appropriate, fair trade tea for use (in conjunction with other choices) for visiting delegations, Education Office functions and Committee Office functions. Where appropriate, fair trade coffee will be used for smaller functions.

Environment and conservation—arboretum (Question No 908)

Dr Foskey asked the Chief Minister, upon notice, on 15 February 2006:

Has an Environmental Impact Statement for the proposed arboretum been prepared; if not, is one planned and when is it expected to be completed.

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

An Environmental Impact Statement for the proposed arboretum has not been prepared. The site is on designated land under the National Capital Authority (NCA). We have fulfilled all planning requirements as requested by NCA including heritage surveys and water studies.

Murrumbidgee catchment action plan (Question No 909)

Dr Foskey asked the Minister for the Environment, upon notice, on 15 February 2006:

(1) How has the ACT Government participated in the preparation of the Murrumbidgee

Catchment Action Plan given that (a) the draft Murrumbidgee Catchment Management Plan of November 2005 acknowledges that while the ACT is located entirely within the Murrumbidgee Catchment it deals with natural resource management within its own policy planning framework and (b) NSW and ACT Governments agree that the catchment must be managed across jurisdictional boundaries;

- (2) What progress has been made on the ACT Regional Plan;
- (3) What opportunities for community participation are there for the ACT Regional Plan;
- (4) How will consistency with the Murrumbidgee Catchment Action Plan be ensured;
- (5) How will the ACT Government work with all the other municipalities involved to ensure that the Murrumbidgee Catchment Action Plan is implemented.

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

- (1) The ACT has been consulted by the Murrumbidgee Catchment Management Authority both formally and informally in the preparation of the Murrumbidgee Catchment Action Plan. This has included participation in workshops relating to the development of targets and actions. The Authority has also consulted the ACT Natural Resource Management Board which is the Territory's regional body for these purposes.
- (2) The ACT's regional plan, the *ACT Natural Resource Management Plan* was prepared by the ACT Natural Resources Management Board and accredited by the ACT and Australian Government in June 2004. A review of the Plan will be conducted once the Murrumbidgee Catchment Action Plan is finalised to ensure consistency between the ACT and wider Murrumbidgee plans.
- (3) The ACT Natural Resources Management Board undertook extensive community consultation in the preparation of the ACT's regional plan. This included community workshops and forums as well as a formal call for comments on the draft document.
- (4) Consistency with the Murrumbidgee Catchment Action Plan will be ensured through close examination of the Plan as it relates to the ACT, consultation with relevant scientific and community experts and through consultation with the Murrumbidgee Catchment Management Authority as well as with the NSW Resources Commission which sets overall standards for NSW regional plans.
- (5) The ACT has proposed a Memorandum of Understanding with the Murrumbidgee Catchment Management Authority in respect of collaborative natural resource management activities associated with the implementation of the ACT and Murrumbidgee regional plans. The Board of the Murrumbidgee Catchment Management Authority is currently considering the draft Memorandum of Understanding.

The ACT Government also supports a number of government and community networks that promote collaboration in achieving natural resource management targets in our region. These include support for community based catchment groups, Landcare and conservation networks as well as cooperation in addressing issues such as pest plants and animals and the conservation of threatened species and communities.
