Debates

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Legislative Assembly for the ACT

SIXTH ASSEMBLY

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Thursday, 30 March 2006

Answers to questions:

Thursday, 30 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.

Petitions

The following petition was lodged for presentation, by **Mr Stefaniak**, *from 392 residents:*

Sport and recreation—funding

> To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the assembly that Basketball in the ACT has over 4100 participants and provides Canberrans of all ages the opportunity to partake in Basketball Programs and Competitions. Basketball in the ACT partners with Sport & Recreation ACT to deliver outcomes. Further fragmentation of Sport & Recreation ACT as an agency and any loss in funding may lead to increased cost of participation, rationalisation of programs delivered or staff retrenchments.
>
> The petitioners therefore request the assembly ensure that the ACT retains a central sport agency (Sport & Recreation ACT) and that funding to Sport and Recreation in the ACT is not reduced in the upcoming budget. Sport & Recreation in the ACT must maintain the level of funding and priority it deserves to ensure future health benefits and participation options for all members of the ACT community.

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

Legal Affairs—Standing Committee
Report 2—government response

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming): For the information of members, I present the following paper:

> Legal Affairs—Standing Committee—Report 3—Report on Terrorism (Extraordinary Power) Bill 2005 Exposure Draft—Exposure draft—government response.

I seek leave to make a short statement.

Leave granted.

MR STANHOPE: I would like to take the opportunity initially to thank the Standing Committee on Legal Affairs for its work on the inquiry into the exposure draft of the Terrorism (Extraordinary Temporary Powers) Bill 2005. Last month the committee produced a comprehensive report during a very short period of time, some of which was over the Christmas holiday period. In general the committee regarded the measures in the exposure draft as both necessary and proportionate, based on expert evidence on the threat to the ACT and the protections incorporated into the draft bill to ensure consistency with the Human Rights Act. In particular, it said that preventative detention for 14 days was a proportionate response to the threat of terrorism in the ACT.

The report contained 36 recommendations. Of these recommendations the government has agreed to 10, agreed in part to four, agreed in principle to two, not agreed to 10 and noted 10. The committee drew attention to the short period of the detention, the preconditions for making preventative detention orders, the central role of the Supreme Court, the information that must be given to detainees, the availability of compensation and the entrenchment of international human rights standards in the safeguards contained in the draft bill. In this way the committee recognised the obligations arising out of the COAG communique and that it was possible to integrate human rights standards with counter-terrorism measures. It noted that many of the provisions in the draft bill had been modelled on the best parts of the legislation in other jurisdictions. It also observed that the combination of those provisions and the additional human rights protections distinguished the ACT from the other states.

During the public hearings conducted by the committee on the exposure draft, some comment was made by contributors about inconsistencies between the ACT's bill and those of the commonwealth and other states. During my appearance before the committee I made two observations in response to those comments. I will repeat those observations today. By and large, those inconsistencies are a consequence of the fact that the ACT has consciously sought to draft laws that comply with our human rights obligations and consistency with the rule of law. It is a mark of how far we as a nation seem to be straying from our democratic traditions and the rule of law that a government can be criticised for seeking to uphold basic fundamental rights and respect for the rule of law. Once upon a time, governments were pilloried for seeking to undermine human rights and the rule of law.

My second observation is that the provisions of the ACT bill draw on the best, fairest and most human rights-compliant provisions contained in the equivalent complementary legislation of the states. We have gathered together the best of the best. This is not extraordinary or on-the-edge legislation; it is in fact model legislation—quite sober legislation. I was interested to hear during the hearings that, while the AFP commissioner was keen to label the ACT's bill as unacceptable in a number of respects, in response to a question from a member of the committee he said that there was little need to engage in, or comment upon, the complementary legislation of other jurisdictions, on the grounds that those laws differed so little from the commonwealth's template.

As I have explained, virtually every provision in the ACT's model exposure draft drew on provisions from other states. If we are exposed, as described by Commissioner Keelty, then so is every other state. As I told the committee, I suspect that the real reason for the lack of commentary on those other legislative packages has more to do with the

fact that there has been little opportunity or encouragement to comment. While there has been cursory inquiry and comment in the ordinary legislative scrutiny processes, there has been no formal parliamentary inquiry, for instance, in any of the other states or the Northern Territory.

The ACT has actively sought the comments and opinions not just of the police but of a whole host of interested parties. We wanted community involvement. That is why, unlike the other jurisdictions, we went down the path of issuing an exposure draft and referring it to the committee. While the government has sought to draft the best law possible, we are of course open to consultation. I have said in this place before that ours is an inclusive government which takes its consultations very seriously because we are convinced that this will ultimately produce the best laws for the community we serve.

Accordingly, having regard for the recommendations contained in the committee report, I would like to outline a number of improvements on the exposure draft that have been incorporated into the bill I am introducing today. The preamble has been expanded to provide a clearer explanation for why preventative detention is needed—specifically, why special legislation needs to be enacted to combat the threat posed by persons suspected of being involved in terrorist activities.

Provisions dealing with multiple preventative detention orders and time frames have been revised to improve clarity and readability. The "reasonable and necessary" element in clauses throughout the exposure draft has been replaced with "reasonably necessary". I indicated in the committee hearings that I would request advice from the Department of Justice and Community Safety in relation to the formulation of the test and was advised that there is little difference between the two formulations. Because of this, the government has accepted the committee's recommendation and included the "reasonably necessary" test in the bill to make the test more consistent with the legislation of other jurisdictions.

The requirement for a senior police officer to set out in an application for a preventative detention order the particulars of all periods for which a person has been detained under the ASIO Act has been clarified to provide that the senior police officer need not disclose information where to do so would constitute an offence under the ASIO Act. The provision of legal aid representation for a person who is the subject of a preventative detention order application will be subject to the Legal Aid Act. Provision of legal assistance will be subject to a means test, as provided for in the act under guidelines made by the Legal Aid Commission. Initial hearings will be covered by the duty lawyer services provision in that act and subsequent hearings will be subject to an appropriate means test under the guidelines.

Provisions relating to the exercise of police powers under the legislation have been improved, where appropriate, to ensure that a police officer identifies himself or herself before exercising any powers and gives reasons for the exercise of the powers. The exposure draft provided that a police officer detaining a person need not explain the effect of a preventative detention order to a detained person or tell a detained person that an order has been extended if it is impractical to do so.

The bill includes an additional safeguard by requiring the detaining police officer to record details of the circumstances that made the conveying of information to the

detainee impractical. The development of guidelines required by the exposure draft in relation to preventative detention now includes guidelines to assist in the implementation of the contact provisions. The penalties relating to the failure to provide name and address on request by a police officer have been reduced to bring them closer in line with comparable offences on the ACT statute book and in state terrorism legislation.

The annual reporting requirements have been improved. Oversight agencies will be permitted to question a detainee in relation to concerns the detainee has about a detention order, about a matter related to the application of the detention order or about the conditions of detention. Accessibility to the definition of "torture" relied on by the legislation has been improved and an explanatory note has been inserted referring to the possibility that overseas evidence may be derived from torture.

In making these changes the substance of the government's approach has not significantly altered. The government adopted those recommendations that made minor and procedural improvements, which we are always happy to do, but rejected those recommendations that proposed to change important aspects of the bill. Most notably, the government rejected the recommendation that the preventative detention order regime be extended to young persons over the age of 16 years on the basis that it would reduce the human rights compatibility of the legislation without any demonstrably justifiable reason. The case for extending the legislation to minors has not been made.

The government rejected the recommendation that the requirement that preventative detention orders be the "least restrictive way" of achieving their objective be replaced with a requirement that they "substantially assist" in doing so, on the basis that it would reduce the human rights compatibility of the legislation without any demonstrably justifiable reason. The requirement that an order will "substantially assist" an objective is not sufficiently rigorous. Finally, the recommendation that the ombudsman and human rights commissioner perform the role of public interest monitor in relation to hearings of preventative detention orders was also rejected. The public interest monitor function must be preserved to avoid any potential conflict of interest and to ensure that expert legal representation is brought before the Supreme Court.

Terrorism (Extraordinary Temporary Powers) Bill 2006

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.41): I move:

> That this bill be agreed to in principle.

In 1933 the United States was experiencing the height of the Great Depression. On 4 March that year Franklin D Roosevelt gave his inaugural address. I would like to quote

Roosevelt's famous words when speaking of the depression afflicting his country. He said:

> So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance

Roosevelt was essentially telling the American people that their fears for the future were preventing the nation from economic recovery from the Great Depression. We see that very principle in action today. Like the Americans in the 1930s, we as a nation must not be immobilised by the fear we feel today, be it the fear of war, the fear of political or religious extremists or the fear of terrorism. For what is terrorism if its goal is not to produce paralysing fear in a society? In addressing the fear confronting Americans in the 1930s Roosevelt courageously challenged the people to face their fears and overcome them. Of utmost importance, Roosevelt did not exploit those fears. Observers and historians say that the American people embraced Roosevelt's new deal and pulled themselves out of the depression.

I am not saying that Australians—and Canberrans, for that matter—have nothing to fear from terrorism. No-one has ever denied that the national capital is a potential terrorist target. I believe it is. That is why I agreed at the COAG meeting of 27 September 2005 to introduce the legislation I am introducing today. Indeed, Commissioner Keelty has in the past commented on some of the more obvious reasons why all Australians possibly face a heightened risk of becoming victims of a terrorist attack. Commissioner Keelty notably commented on our involvement in the invasion of Iraq and the consequences of that. I admire him for that—for confirming what all Australians know to be true but which the Prime Minister and his ministers deny. However, what I am saying is that the fear we face in this age of terror must not be exploited or used for wrong ends.

As we are all aware, in the lead-up to the development of the Terrorism (Extraordinary Temporary Powers) Bill 2006 that I am introducing today, Australia has been engaging in a debate that I fundamentally believe it should not be having—a debate about which of our freedoms, rights and liberties we are prepared to surrender in return for greater physical security—a debate that is inciting fear and unrest in Australian society. The debate we ought to be having is how our rights can be secured and our democracy can be protected from the threat of terrorism, not the extent to which we are prepared to do the terrorists' job for them by inciting fear and giving up our democratic freedoms and human rights without a whimper.

I would like to stress today that when the democratic or human rights of any individual are violated all Australians are affected. I believe—and it is inherent in the legislation being introduced today—we can protect our rights and secure our democracy while still responding to the heightened threat posed by terrorists. However, in responding to this threat we do not need to give in to or exploit that fear. I believe that this bill achieves these aims. I do not believe the ACT's laws will leave the territory exposed. All this bill will do is ensure that we do not give in to the fear and that we do not lightly surrender the very way of life we seek to protect from terrorist acts.

The bill has been developed in light of various legal opinions on human rights and constitutional issues. It also takes into account the bipartisan Senate committee's

recommendations in relation to the commonwealth regime, most of which were simply brushed aside and ignored by the federal government. A number of safeguards, including many incorporated into the legislation of other states that were considered the best in terms of human rights compatibility, constitutionality and adherence to established principles of justice, have been picked up in this bill. The government sought independent advice from Ms Kate Eastman, an expert human rights lawyer, on whether the bill is consistent with the Human Rights Act. In summary, Ms Eastman concluded that the bill is compatible with the Human Rights Act. This advice has been used as the basis of the human rights compatibility statement for the bill.

I would like to highlight just a few of the exemplary features of the bill in relation to preventative detention. The bill provides for full judicial review and oversight. The power to make interim and final preventative detention orders and prohibited contact orders is conferred on the Supreme Court. This is in contrast to the commonwealth legislation and some state legislation, which confers the power to make interim orders on police. The ACT approach will ensure judicial review and oversight throughout the entire process and help minimise the risk of the legislation being declared unconstitutional. It also ensures that matters are decided at a hearing at which the subject and his or her lawyer are entitled to call witnesses, produce materials and make submissions.

The bill involves a higher test for making a preventative detention order than those in the bills of the commonwealth and New South Wales. The test adopted is that recommended by the solicitors-general. Significantly, the draft makes clear that the police may only apply for, or make a preventative detention order, on the basis that it is the least restrictive means, in some circumstances—and the only effective means, in other circumstances—to achieve the purpose of the order. The bill states categorically that evidence obtained through torture is inadmissible.

The bill has been drafted to empower the Supreme Court to make an interim preventative detention order for up to 24 hours only, as opposed to 48 hours in all other jurisdictions. This provides adequate time to make arrangements for the making of final orders in a jurisdiction the size of the ACT. It strikes a proportionate balance between the need to urgently detain a person and that person's right to be heard in relation to the detention. The ICCPR protects a person's right to be brought before a court as soon as possible to challenge the lawfulness of his or her detention. The period of the interim order can only be justified on the basis that it will take time to make the necessary arrangements for the conduct of the full hearing. Any period greater than 24 hours would not be a justifiable limitation on the right to a fair trial and the right to be free from arbitrary detention.

Unlike other jurisdictions, the bill does not allow for rolling warrants. Preventative detention orders cannot be reapplied for on the basis of the same information, except in limited circumstances where there is a clear risk to public safety. In addition, the proposed ACT scheme does not allow for the questioning of detainees. A preventative detention order will lapse once a person is released from any form of questioning.

The bill provides for 14 days preventative detention. The Supreme Court will be empowered to order detention for an initial maximum period of seven days. Following this period the court is able to order detention for a further seven days, following a full reconsideration of the matter. In addition, the detained person is able to seek a review of

the preventative detention order at any time. The grounds for seeking a review will not be limited, as is the case in other jurisdictions.

Courts will be able to award compensation to a detainee in circumstances of wrongful detention, in compliance with the ICCPR. The requirement has been expressly reiterated in relation to preventative detention. The bills of the commonwealth and the states provide that contact and communication between a detainee and his or her lawyer must take place only if it is conducted in such a way that the contact and the content and meaning of the communication that takes place during the contact can be effectively monitored by a police officer. The ACT government is deeply concerned about the impact this would have on the right to a fair trial in the event that charges were ever laid.

The notion of monitored communication is in direct conflict with well-established jurisprudence and legal practice in this country. Human rights standards require that a detainee is allowed to consult a lawyer as soon as reasonably practicable, privately and at any time. There are severely limited circumstances under which communication can be monitored. These are based on provisions in comparable United Kingdom legislation where the presumption, as in the ACT, is of confidential legal communications. I understand the United Kingdom experience has been that these provisions have afforded adequate protection of national security.

The bill includes improved provisions in relation to police assistance in helping a person to find a lawyer. Of extreme importance, the bill does not permit the detention of people who are under the age of 18. The government considers that the detention of minors under such a scheme cannot be justified on any grounds. The Convention on the Rights of the Child makes clear that children should be detained only as a last resort. This is a fundamental human rights obligation that is antithetical to the detention without charge of a child under the proposed regime. A limitation on rights of this kind could only be justified on the basis of clear and compelling evidence of a substantial threat from persons under the age of 18 that cannot be appropriately dealt with by means other than preventative detention. Such material has not been provided by the commonwealth to date.

The bill includes important safeguards for detainees. It specifies that they must be separated from people who are on remand or have been convicted; that there be appropriate support for detainees with special needs, including psychiatric disabilities; and that detention arrangements accommodate cultural or religious needs. In line with the Senate committee's recommendation, the bill includes a requirement for the development of protocols on the humane treatment of detainees.

The bill does not make disclosure of a preventative detention order—including by the detainee themselves, lawyers, parents guardians or interpreters—an offence. This is in line with the comparable United Kingdom legislation. The bill provides for annual reports on the use and effectiveness of the legislation. Finally, the bill contains a number of requirements in relation to strip searches. It stipulates that a strip search should only be conducted if there is reasonable suspicion that an item can only be recovered as a result of a strip search. It must only be carried out if it is necessary to find and seize something. It must not involve the person being more than half undressed at any time, and the person must be allowed to dress in private.

In addition to these improvements on the commonwealth legislation, the bill contains a number of safeguards drawn from the schemes of other jurisdictions. There are additional safeguards for children and persons with impaired decision-making ability who are in the care of the person subject to a detention application. There are provisions to ensure that people subject to preventative detention orders will be detained at a facility that is appropriate to their needs and the risks they pose.

The commonwealth and New South Wales bills provide that proceedings under the legislation must be heard in the absence of the public and that the court may make orders in relation to the suppression of publication of the proceedings. This bill is silent on that matter. The government considers that decisions relating to the conduct of proceedings should rest with the courts and that existing powers of the Supreme Court are adequate to determine appropriate publication of its proceedings.

In line with the Queensland bill, the bill requires that a senior police officer applying for a preventative detention order must fully disclose all matters, both favourable and adverse to the making of the order, in the application. The government has also included the functions of the public interest monitor, based on the Queensland model, to represent the public interest at a hearing for a preventative detention order or prohibited contact order. This will protect a person's right to a fair trial to the greatest extent possible.

The bill also sets out the special police powers agreed to by COAG. During a conventional criminal investigation police already have available to them considerable and effective powers of investigation. However, the police may only exercise these powers—for example, powers of search or inquiry—when they have information that is substantial and credible enough to give rise to a "reasonable cause to suspect".

The legal requirement that the exercise of police powers are ordinarily based on a suspicion or belief on reasonable grounds usually limits the scope and application of the powers to an individual person, vehicle or premises to which the suspicion is attached. Although this is appropriate for conventional criminal investigations it is not adequate for responding to terrorist activity, with its covert, complicated and sophisticated nature. For example, intelligence may indicate a significant threat to a landmark—say, a particular public place—without identifying specific individuals who pose the threat. Police need to be able to respond and take effective protective measures affecting all persons in a particular area, regardless of whether any particular individual has given "reasonable cause to suspect".

The enhanced police powers have been modelled on the parts of the states' bills that are considered the best in terms of human rights compatibility and adherence to established principles of justice. Additional safeguards have been incorporated, including the judicial review and oversight of all authorisations under the legislation.

The bill provides for the declaration of special powers authorisations and special investigative powers authorisations by the Magistrates Court and the Supreme Court. Under the provisions a special powers authorisation may be issued if the court is satisfied on reasonable grounds that a terrorist act is imminent and that the exercise of the powers under the provisions will substantially assist in the prevention of the terrorist act. An investigative special powers authorisation may be issued if the court is satisfied on

reasonable grounds that a terrorist act is being committed or has been committed and that the exercise of powers under the legislation will substantially assist in the investigation of the terrorist act.

The bill incorporates important safeguards to prevent the inappropriate use of the extraordinary powers. Other proposed safeguards to protect human rights include requirements that all police who exercise stop, search and seizure powers must undergo human rights training and that all police must keep records in relation to their use of the stop, search and seizure powers.

Also of significance is the fact that the bill contains a sunset clause, in line with the Senate committee's recommendation, of five years rather than the commonwealth provision of 10 years. This adjustment is necessary to ensure that the ACT has the best and most human rights compatible legislation. This government has a responsibility to do all it can to protect the ACT community against terrorist acts without unnecessarily inciting fear or infringing rights and freedoms. Making the ACT bill compatible with Australia's international human rights obligations has not diminished the effectiveness of the law in comparison with the commonwealth or state laws; nor has it limited the scope of the laws or the community's capacity to tackle terrorism. The bill is consistent with the COAG agreement, subject to the adjustments necessary for the Australian Capital Territory. It shows that it is possible to fully integrate respect for human rights with tough and effective counter-terrorism measures. I commend the bill to the Assembly.

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

Electoral Amendment Bill 2006

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.57): I move:

> That this bill be agreed to in principle.

The purpose of the Electoral Amendment Bill 2006 that I am introducing today is to broaden the potential field of people who may be appointed as chairperson of the electoral commission. As members will be aware, the Electoral Act establishes the electoral system for the ACT. The electoral commission is established under the act as an independent statutory authority with responsibility for the conduct of elections and referendums for the ACT Legislative Assembly and the determination of electoral boundaries for the ACT, as well as the provision of electoral advice and services. This is an important and responsible role which ensures the high standard of the democratic process in the ACT. The commission is comprised of the Electoral Commissioner, the

chairperson and one other member. Members of the commission are appointed by the executive.

Section 12 of the act places qualifications on who may be appointed as chairperson of the commission. This is currently restricted to current and former judges, former justices of the High Court, former chief executives, former commonwealth departmental secretaries or former members of the electoral commission or of an authority of the commonwealth, a state or another territory.

The government would like to have a wider range of people who are eligible to take on this important position. Experience in a senior and responsible position, impartiality and probity are qualities that can be found in people with a range of life experiences. These amendments recognise that by broadening the field from which appointments can be made. The government is also firmly of the view that it is appropriate that the position of chairperson of the electoral commission, with its functions of supervising the election of the members of the Assembly, should continue to have qualifications, due to the sensitive nature of the appointment.

Under the amendments being put forward in this bill the type of person who may be appointed as chairperson will be expanded to also include a lawyer with at least five years' experience who has held a senior position in the legal profession; a former chief executive officer of a territory instrumentality; a former statutory office holder; a former head of commonwealth executive agency or commonwealth statutory agency; or a person who has held a senior position as an academic or in business or a profession for at least five years and who has knowledge and experience to exercise the functions of chairperson.

These types of qualifications are in line with legislative requirements for appointment to other responsible positions. For example, section 6 of the Administrative Appeals Tribunal Act requires that the president of the tribunal be either a judge or have been a lawyer for at least five years. Section 6 of the Administrative Appeals Tribunal Act provides for people to be appointed as members of the tribunal on the basis of experience at a senior level in business or a profession other than law, where such experience is considered relevant to the nature of the appointment.

I draw members' attention to the Commonwealth Electoral Act, which similarly provides qualifications as to who may be appointed as a member of the Australian Electoral Commission. Since no restrictions apply to the appointment of an ordinary member of the commission, the knowledge and experience of the chairperson will be able to be balanced with those of another member who has different skills.

The amendments in this bill will not alter the existing protections against the government of the day making political appointments to the commission. Under the electoral act, before a person is appointed to the commission the responsible minister must consult with the leader of each political party that is represented in the Assembly and with any members of the Assembly who are not representatives of a political party. This consultation requirement allows the non-government members of the Assembly to have a say about the appointments and provides protection against a situation where the government proposes to appoint a person with a known political bias. Nothing in this bill will affect that consultation process.

In order to ensure that no question of political partiality or influence can arise in relation to the appointment of members to the commission, the bill includes a provision making people ineligible for appointment if they have been members of an Australian parliament in the past five years or in that time have been members of a political party of any sort. That provision is based on similar provisions in the Tasmanian Electoral Act. It will help to assure the community that the commission is independent of political influence. As a result of these amendments, appointments will be able to be made from a broader cross-section of the community without compromising the current high esteem in which the commission is held.

Our community has been well served by the hard-working, independent members who currently make up the commission. These amendments will ensure that other experienced, independent people will be able to follow in their footsteps and continue their good work.

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

Animal Welfare Amendment Bill 2006

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.01): I move:

> That this bill be agreed to in principle.

I bring to the Assembly today a bill regulating the reckless conduct of a person who causes serious harm or death to an animal. The bill proposes to make an amendment to the Animal Welfare Act by inserting an offence provision where a person's reckless conduct causes serious harm or death to an animal and by making provision for 200 penalty units and/or two years imprisonment. This proposed amendment to the Animal Welfare Act will act as a guide for magistrates in sentencing offenders.

Currently the ACT imposes the fourth highest monetary maximum penalty within Australia and the third highest jail term for animal welfare offences such as committing an act of cruelty and deliberately causing an animal unnecessary pain. These penalties are comparable with those of other jurisdictions. The bill will also address the concerns of the RSPCA and Animal Welfare Advisory Committee by recognising and distinguishing reckless and negligent conduct that causes serious harm or death to an animal as a serious offence. Conviction for an offence under this provision would demonstrate a more overt recognition of its seriousness and would be an effective mechanism for addressing acts of cruelty. The bill represents a more comprehensive and

targeted approach to regulating serious harm or death to an animal by a person's reckless conduct. I commend the bill to the Assembly.

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

Pest Plants and Animals Amendment Bill 2006

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.04): I move:

> That this bill be agreed to in principle.

I table today a bill regulating the reckless conduct by a person who imports a prohibited pest plant or something contaminated by a prohibited pest plant into the ACT. The bill proposes to make an amendment to the Pest Plants and Animals Act 2005 by inserting an offence provision whereby a person who imports a prohibited pest plant or something contaminated by a prohibited pest plant is reckless about whether the thing imported is a prohibited pest plant or contaminated by a prohibited pest plant and whether the importation would result, or is likely to result, in the spread of prohibited pest plants of that kind in the ACT. That is very clear. The maximum penalty is 50 penalty units.

The offence provisions do not apply to an entity prescribed by regulation or to a person who has a permit to propagate, import or supply a prohibited pest plant in the ACT. The bill addresses the ACT weeds strategy, developed in 1996, coordinating government and community-based activity to prioritise and take action against weed infestations in the ACT. It also embraces nationally agreed principles of the Natural Resource Management Ministerial Council and the Primary Industries Ministerial Council, which the ACT is a member of. This will assist in ACT compliance with related agreements. The bill represents a more comprehensive and targeted approach to regulating the importation of prohibited pest plants by a person's reckless conduct. I commend the bill to the Assembly.

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

Radiation Protection Bill 2006

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

Title read by Clerk.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.07): I move:

> That this bill be agreed to in principle.

Today I am introducing to the Assembly the Radiation Protection Bill 2006. This legislation has had a long gestation process, with its origins in the national competition policy review of radiation protection legislation in all Australian jurisdictions carried out by the Australian Radiation Protection and Nuclear Safety Agency, or ARPANSA. In 2001 that review concluded that there should be a national standard for radiation protection to achieve uniformity in radiation protection practices and legislation between all Australian jurisdictions. The radiation health committee of ARPANSA, with representatives from states and territories, set about developing the standard and in August 2004 the *National directory for radiation protection* was published. The bill I am presenting today is the ACT's implementation of the principles set out in the dictionary.

In describing the features of the bill I should first say that it is maintaining a number of aspects of radiation protection legislation that have served us well over the 20 years that we have had this kind of legislation. The bill re-establishes the radiation council with the functions of making a range of decisions concerning licensing and registration and advising me as health minister on matters of radiation safety. Arrangements for the council include the flexibility to add members with expertise in areas that may later be regulated under this legislation. Further, the bill makes provision for more flexible procedures for the council to allow it to spend more time on issues of most importance.

The bill also maintains the overall registration and licensing arrangements for the ownership and use of radiation sources in the territory. Those who own radiation sources will still be required to register them and those who deal with radiation sources will still be required to be licensed. The bill allows greater flexibility of licensing arrangements than previously but still maintains a high level of accountability for registered owners and licensees. The bill includes references to national standards for a range of matters relevant to licensing the use of radiation sources, including competency standards and safe levels of radiation exposure.

In this way the bill provides for a more outcomes-based approach to radiation regulatory control. An activity will be licensed if the applicant can meet the national standards in relation to it. A radiation source will be registered if it is set up and stored in a way that meets the national standards. As it stands, the bill regulates ionising radiation, such as radiation emitted from X-ray machines and radioactive materials.

The bill also provides for a range of matters regulated to be expanded by regulation. The national competition policy review of radiation protection legislation recommended that non-ionising radiation, such as ultraviolet radiation, microwave radiation and radio frequency radiation be added. The provisions in the dictionary for regulating non-ionising radiation have not yet been finalised. When they have been finalised, certain non-ionising radiation sources will be added into the scheme by way of regulation. Overall, this bill represents a sensible working scheme for regulating use of radiation in the territory in accordance with national standards. I commend the bill to the Assembly.

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

Asbestos Legislation Amendment Bill 2006

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.11): I move:

> That this bill be agreed to in principle.

The main objective of the bill is to give effect to the government's response to the ACT Asbestos Taskforce report that was tabled on 28 July last year in order to establish asbestos management regimes for the residential sector and those occupations that handle asbestos on a regular basis. The government agreed, or agreed in principle, to all of the recommendations of the task force, with one exception: the proposal to defer the commencement of sections 47K and 47L of the Dangerous Substances Act from 16 July 2006 until a later date. In light of the support for the new management regimes, the government agreed instead to repeal those sections in preparation for these new legislative reforms I am presenting today. Members may recall that sections 47K and 47L were subsequently repealed in October last year.

This bill does not capture the non-residential asbestos requirements proposed by the task force report. These will be incorporated in the ACT's amendments to the Dangerous Substances Regulation 2004 as part of the implementation of the national hazardous substances regulatory framework. An exposure draft of the hazardous substances regulatory framework will be made available for comment prior to the introduction of the regulation framework.

Generally, the bill proposes to amend certain laws and regulations to provide for a range of measures to establish a new asbestos management regime for the residential sector, as well as for the licensing and training of construction and other occupations that handle asbestos on a regular basis, and to allow for the supply of information at key transaction points on the likely location of asbestos in homes built prior to 1985. Further detail on the key measures contained in this bill follows.

The bill proposes a number of amendments to the Building Act 2004. The bill will provide that minor maintenance work and work done by prescribed occupations on less than 10 square metres of bonded asbestos and done in accordance with the relevant asbestos codes of practice will be exempt from the building approval process.

Currently any asbestos-related work, regardless of size, can only be undertaken or supervised by a licensed builder in accordance with the statutory approval process provided by the Building Act. There are significant impracticalities in this approach, particularly for homeowners in having to call in a licensed builder to undertake or

supervise minor tasks such as painting their bathroom walls. Likewise, a tradesperson, for instance, in the course of his or her daily work activities is unlikely to stop work to call in a licensed asbestos removalist to attend to minor maintenance or removal activities that would involve the disturbance or removal of a small amount of bonded asbestos.

The task force report advised that it was also unlikely that the homeowner or tradesperson would submit a building approval to have these minor works undertaken. As a consequence, the new measures proposed by this bill will exempt from the building approval process owners of both residential and commercial buildings undertaking minor maintenance activities such as low-speed or hand-drilling, painting or cleaning of bonded asbestos, provided the work is undertaken in accordance with an approved asbestos code of practice.

Similarly, the bill also proposes to exempt from the building approval process building work that involves handling less than 10 metres square of bonded asbestos. However, the bill proposes that those persons doing the work must be in a prescribed trade, service or maintenance occupation and hold a relevant asbestos qualification. The 10 metres square mentioned is an arbitrary amount that is being adopted by most jurisdictions as the acceptable upper limit for handling of bonded asbestos for these purposes but is intended to be sufficient to permit certain minor work incidental to a trade, service or maintenance activity such as retiling a bathroom. The bill now introduces a requirement that an asbestos removal control plan that addresses asbestos disturbance, handling and disposal and the safety of workers, occupants and others potentially subject to exposure, must accompany all applications for building approval for homes built prior to 1985.

In order to provide for codes of practice under which people are required to undertake minor maintenance work and other activities, the bill proposes that the Building Act allow the minister to approve in writing certain codes of practice. The purpose of the codes of practice may be to set out practices, standards and other matters about building work if the work involves the use, handling or disposal of asbestos. For example, the minister could determine that the code of practice for the safe removal of asbestos prepared and published by the commonwealth Office of the Australian Safety and Compensation Council may be an approved asbestos code for the purposes of the Building Act.

Those that are familiar with the current laws surrounding asbestos may have noticed the change in terminology I have used to describe it. Currently the Building Act refers to "stable" and "loose" asbestos. However, this bill proposes those terms be replaced by the terms "bonded" and "friable", to more accurately describe the type and nature of the asbestos encountered and to align the Building Act and other acts to reflect the more contemporary industry-accepted terms.

As previously mentioned, the bill proposes a range of measures to address the licensing and training of construction and other occupations that handle asbestos on a regular basis. The bill proposes amendments to the Construction Occupations (Licensing) Act 2004 to separate asbestos work out of the current builders licensing regime and create a new occupation to cover the licensing of that work. The new occupation descriptor is "asbestos removalist" and, consistent with other licence classifications, the occupation classes are to be:

- "asbestos removalist class A", which authorises work in relation to all asbestos; and

- "asbestos removalist class B", which authorises work in relation to bonded asbestos only.

These measures will greatly emphasise the importance of the health and safety requirements surrounding work involving asbestos and will formally recognise the new proposed training standards for this occupation. As a consequence of these provisions, the work of a builder will no longer encompass asbestos building work, as that type of work is intended to be the kind of work provided in the occupation of asbestos removalist. To assist builders who wish to continue to have a capability to perform asbestos work, the bill proposes transitional arrangements in order to allow those builders sufficient time—in fact, up to 12 months from the time the training is made available—to obtain the training and the new asbestos removalist licence without disruption to their current arrangements.

At the present time there is no licensing regime for asbestos assessors. Therefore, there are limited options available to ensure that assessors who operate in the ACT are doing so in accordance with recognised standards and practice. Given the sensitive nature of conducting asbestos assessments, a licensed regime would allow greater regulation of the industry and protect both assessors and consumers.

As a consequence, the bill proposes amendments to COLA to establish a new occupation of asbestos assessor and will also have two classes:

- "asbestos assessor class A", who will provide an asbestos assessment service to make reports on the location, type and condition of asbestos identified in buildings, assess the risk the identified asbestos presents, and advise on how the asbestos should be managed. A class A assessor will also be able to do anything allowed to be done under a class B licence; and

- "asbestos assessor class B", who will be licensed to undertake field surveys, take samples and identify the location, type and condition of asbestos in buildings for the purposes of providing that information to the class A assessor.

Amendments are also proposed by this bill to the Civil Law (Sale of Residential Property) Act 2003, the Dangerous Substances Act 2004 and the Residential Tenancies Act 1997 to require the disclosure of asbestos assessment reports and asbestos advice forms by owners of residential properties at key transaction points. The bill proposes that, if an asbestos assessment report is obtained for a residential property, it will be required to be made available by owners either with a building approval application when entering into a residential tenancy agreement or a contract for sale of a residential property, or when engaging a tradesperson to provide a construction service or do renovation work at the premises.

The government recognises that, due to equity issues, it is not possible to fully embrace any report undertaken prior to the commencement of this legislation within the new regime. However, the government believes that responsible homeowners will still

recognise a duty of care to prospective buyers and tenants and make those reports available where they still exist.

In the event that an asbestos assessment report has not been obtained, the owners will be required instead to provide a generic asbestos advice, either with a building approval application when entering into a residential tenancy agreement or with the contract for sale of a residential property. The generic asbestos advice proposal has been drawn from a survey of over 600 houses conducted by the asbestos task force and provides useful and accurate information on likely locations of asbestos in and around homes built prior to 1985.

These initiatives are not going forward without support. The asbestos management team is well down the track in developing a number of training, education and communication programs to support those affected by these new measures. In fact, a package of short courses designed to provide high-quality education and training for a range of occupations will be submitted to the ACT Accreditation and Registration Council next week. This package has been developed with the assistance of an expert training advisory group comprising local industry-registered training associations such as the Master Builders Association and CITEA as well as representatives in the local asbestos-related industries.

Targeted communications strategies have been developed for those most at risk; namely, do-it-yourself renovators and tradespeople. New communication material is also being finalised, including a revamp of the asbestos website. This material will be released prior to the commencement of the new legislative regimes.

I am pleased to say that, due to the extensive consultation employed in the development of this legislation, industry participants and their representatives support the measures contained in this bill. I also put on the record my personal thanks to the representatives of the Master Builders Association, the Housing Industry Association, the ACT chamber of commerce, the Real Estate Institute of the ACT, UnionsACT, the Law Society, and all those administering government who have given so much time and effort to this process and who have contributed so substantially and enthusiastically to this nationally significant outcome.

Finally, the measures contained in this bill are supported by the outcomes of extensive community consultation and an extent and impact survey that is based on best practice in asbestos management and the most current scientific knowledge. I commend the bill to the Assembly.

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

Road Transport Legislation Amendment Bill 2006

Ms Gallagher, on behalf of **Mr Hargreaves**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11. 23): I move:

> That this bill be agreed to in principle.

The Road Transport Legislation Amendment Bill 2006 allows for the release of non-transferable taxi licences. The bill will also simplify provisions in the Road Transport (Public Passenger Services) Act 2001 regarding the accreditation of taxi networks by consolidating the types of taxi networks that can be accredited from two or more to one. Finally, the bill will also transfer enter-and-search powers from the Road Transport (Public Passenger Services) Regulation 2002 to the act, and from the Road Transport (Vehicle Registration) Regulation 2000 to the Road Transport (Vehicle Registration) Act 1999.

The government recently announced a taxi licence release program to address a clear need for more taxis on Canberra's roads to improve the level of service received by the public. Up to 40 taxi licences will be released over a two to four-year period, beginning next month, depending on demand for and take-up of the new licences. Unlike previous taxi licence releases, which involved auctions of licences issued for an unlimited term, this release will consist of licences leased for a six-year period from the government. This will allow prospective taxi operators to enter the taxi industry directly, without having to pay the high taxi licence lease fees charged by some licence owners on the open market.

However, the present provisions of the act prevent the government releasing licences that are non-transferable. Due to the urgent need for more taxis, the first 10 licences to be released next month will be transferable. Ultimately, however, non-transferable leased taxi licences are preferable as they prevent individuals exploiting high market-lease fees by subleasing a leased licence to a taxi operator at a profit. The amendment bill presented here gives the government the flexibility to release non-transferable leased taxi licences in the future.

With regard to taxi network accreditation, the act has previously allowed for several kinds of taxi network accreditation to be approved, potentially one for each type of taxi licence. The government needs flexibility to release different types of licences, including different types of restricted taxi licences in future. If different kinds of network accreditations are maintained, networks could refuse the affiliation of operators of a particular type of licence. It is desirable to ensure that a taxi operator may affiliate with his or her choice of taxi network without restriction and that taxi networks are required to offer taxi dispatch services to taxi service operators, regardless of the type of taxi licence held for the vehicles used in the taxi service. This is essential in an environment where a single entity holds all ACT taxi network accreditations.

The bill acts to move enter-and-search powers from the Road Transport (Public Passenger Services) Regulation 2002 to the act to satisfy the recommendation of the scrutiny of bills committee report No 6, dated 4 April 2005. This report recommended that such powers not be contained in subordinate legislation but instead be moved to

primary legislation. Similar powers are also moved from the Road Transport (Vehicle Registration) Regulation 2000 to the Road Transport (Vehicle Registration) Act 1999 by this bill.

The changes enacted by this bill are important to ensure the government is able to pursue desirable policy outcomes in the taxi industry in the future without unnecessary and unhelpful legislative restrictions. The bill also ensures good regulatory practice by moving enter-and-search powers to their appropriate location in primary legislation.

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

Public Accounts—Standing Committee
Report 5

MR MULCAHY (Molonglo) (11.29): I present the following report:

> Public Accounts—Standing Committee—Report 5—*Report on annual and financial reports 2004-2005*, dated 27 March 2006, including a dissenting report (Mr Mulcahy), together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MR MULCAHY: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR MULCAHY: I seek leave to make a brief statement.

Leave granted.

MR MULCAHY: I am pleased to speak to report No 5 of the Standing Committee on Public Accounts, *Report on annual and financial reports 2004-05*. The resolution of the Assembly of 18 October 2005 relating to the referral of annual and financial reports 2004-05 referred some 21 annual and financial reports of government departments and agencies for the 2004-05 financial year to the committee for inquiry. The resolution of the Assembly was amended on 13 December 2005 by adding a further report to the reports referred to the committee.

The following annual and financial reports were referred to the committee: ACT Auditor-General, ACT Cleaning Industry Long Service Leave Board, ACT Construction Industry Long Service Leave Board, ACT Gambling and Racing Commission, ACT Government Procurement Board, ACT Insurance Authority, ACT Legislative Assembly Secretariat, Actew Corporation, ACTTAB Ltd, Australian Capital Tourism Corporation, Australian International Hotel School, Chief Minister's Department, Commissioner for Occupational Health and Safety, Commissioner for Public Administration, Department

of Economic Development, Department of Treasury, Exhibition Park in Canberra, Independent Competition and Regulatory Commission, Rhodium Asset Solutions, Small Business Commissioner, Stadiums Authority and Totalcare Industries.

The provision of meaningful operational and financial information by government to parliament and the public is a fundamental component of the accountability process. Annual reports are the principal and most authoritative way in which chief executives and chairpersons account to the Legislative Assembly and other stakeholders, including the public, for the ways in which they have discharged their statutory and other responsibilities and utilised public funds over the preceding 12 months.

The committee held public hearings on 26 October, 8 and 30 November and 1 December 2005 and heard from ministers and accompanying departmental and agency officers and members of governing boards. The committee examined the annual reports in relation to their compliance, where applicable, with the Chief Minister's annual reports directions, legislative and other requirements as raised in individual agency reports.

In reporting, the committee considered and assessed the issues raised in the annual reports within the context of accountability and governance and its subsequent effective reporting by public sector agencies. The committee's report focuses on significant issues of interest raised during the inquiry process. The committee's report in fact makes 10 recommendations. I will run through those if I may.

The committee recommended that the government require agencies to take up the Auditor-General's suggestions to improve processes for the placement of annual reports on relevant websites within the required time frames. The committee also recommended that the government require agencies to take up the Auditor-General's findings regarding improvement to processes for the preparation of financial statements and annual reports.

We are conscious of some of the difficulties facing smaller agencies. We heard various amounts of evidence of the difficulty in sometimes finding competent people to deal with the financial aspects of agencies. Nevertheless, we are keen to see things done appropriately and are pleased to support this recommendation from the Auditor-General.

The committee also requested that the government investigate implementing measures to improve the quality of reporting on ecologically sustainable development by developing an awareness of the global reporting initiative and monitoring its uptake as a consistent reporting framework. It has been acknowledged that there has been difficulty in this respect, as emerged from our evidence. Whilst I am sensitive to the demands on many agencies because of the level of reporting now required, it is clearly an expressed view of the Chief Minister, when he gave evidence, that this should happen. The committee wants to reinforce this requirement through this recommendation.

We also recommended that the Chief Minister initiate discussion with his state and territory colleagues to increase demand for hybrid and other fuel-efficient vehicles. This is a measure that the committee felt was worthy of support. Notwithstanding the view expressed yesterday in terms of the potential impact on the motor vehicle industry, because it does not operate in Canberra, my suggestion, of reducing the capacity of the speed of vehicles, was not a good idea because it came from the opposition. But this is a good idea, apparently, because it is supported by the government member of the

committee. In any event, if we can achieve progress on fuel-efficient vehicles—and I know there is some debate on the energy usage of these vehicles when one puts the entire manufacturing process into the equation—it would appear to be a measure that ought to be supported and encouraged.

The committee also recommended that the government's revised greenhouse strategy contain concrete measures towards meeting the projected targets and that the costings are revised. It is well to speak in the generality about greenhouse. It is, to use the cliche, up there with motherhood and the flag. But if we do not have concrete measures, if we do not have costings on what these measures might involve, then it is difficult to really take seriously that this level of commitment is there. More importantly, it is very difficult to measure performance. I know that, often in government, that is not the most exciting term—having performance measured.

There has been much political mileage made out of questions of the previous greenhouse strategy adopted by the Carnell government, which were brought in in good faith. I am not always an ambassador on behalf of that particular government. I have said that here before. There was a genuine belief in a greenhouse strategy and they were keen to be a leader in Australia. I have heard the criticism over those costings, but now is the time to test the performance of the current government. Our committee has recommended that there be these concrete measures towards meeting the projected targets and that we have, in fact, very clearly defined costings on that strategy.

We also asked for quarterly actuarial assessments of the superannuation liability to be undertaken and published for the Assembly. One of the most significant elements impacting on the ACT's accounts is the cost of its work force and the associated costs of superannuation related to that work force. What is critical in the view of the committee is that this Assembly have a better handle on the cost impacts of those things.

Obviously, there are significant variations that relate to developments, particularly in the equities market. Most of those factors, one might argue, are beyond the control of the territory government. We do not expect them to perform miracles in relation to world economic factors. But there is certainly a view from the committee that it would be in the interests of good government if the assessment of that liability could be undertaken and published on a more frequent basis. It would also temper demands on both sides of this chamber if those of us who are armed with that information had a better appreciation of the likely budgetary pressures on government in this environment where bright ideas seem to still occur on a fairly regular basis without necessarily full regard for the impact on the ACT economy and our taxpayers.

The committee also asked that, to the extent that work is not already taking place, the Summer Nats 2005 review and cost-benefit analysis report's recommendations Nos 2, 3 and 9 be implemented.

A further recommendation relates to ACTTAB. We recommend that ACTTAB explore the feasibility of enhancing its website with pop-up information windows highlighting responsible gambling messages, and that ACTTAB give favourable regard to providing funds for gambling support initiatives. Most, if not all, members of the Assembly would agree on the importance of having programs and initiatives to ensure that responsible

gambling practices take place in our community. There has been great work undertaken by Clubs ACT and many individual clubs with whom I have spoken.

We must recognise that this is a problem that is not easy to tackle but is one of which those who are in the business of gaming and wagering need to be cognisant. I firmly believe there is a high level of community sensitivity on this issue. There is no question that, like a range of things in our society, whether it be alcohol, drugs or gambling, it can also inflict enormous damage on homes, individuals and families and can lead to horrific outcomes.

It is an issue in which I have obviously had past involvement. I know it is an issue on which my colleague Dr Foskey has spoken on occasions. Whilst we may differ in our view about how we might get there, I do not think we differ in our view that we need to help those who are unable to manage those habits and who cause ruination to themselves and distress to their families. If we can initiate some measures in this territory to help—sensible measures; what is termed in some other dimensions "a no-regrets policy", where we do not simply embrace knee-jerk reactions to solve a problem because they sound popular—and embrace measures that may assist those who are struggling with their gambling entertainment, then it will be a good move.

I am not sure—and I have not ever seen empirical evidence that would say that offering pop-up information windows highlighting responsible gambling messages will change the way people behave—but logic suggests that it may assist some of those people. If we can help any people who are not managing their gambling practice and if ACTTAB is technologically able to achieve that, it would be prudent for them to demonstrate a stronger commitment in this area.

During evidence it was indicated that they had printed materials at premises to help people. But there is a body of opinion out there, probably, that would be in favour—and certainly it is the view of the committee that it would be wise to be done—of ensuring that that small percentage of people who have trouble managing their gambling activities know where to go for help and are encouraged to moderate their behaviour when they find themselves involved in gambling above and beyond their capability.

The report also contained a recommendation that the government ensure that ACT government agency heads are in attendance at annual report hearings or, in their absence, a delegate capable of answering operational questions is in attendance. This only happened in relation to one or two agencies. It is an unsatisfactory situation. We would not have sought election here if we did not take the role of the Assembly quite seriously. We have a duty on behalf of the people of Canberra to carry out a range of responsibilities.

It behoves government agencies, when there is this process of accountability through hearings of the Assembly, to ensure that they present themselves or, if there are extenuating circumstances, present a representative, not simply to disregard the work of the Assembly. It is an issue on which there is unanimity of opinion, as with all these recommendations today, and it is one on which we hope the government—and I am sure we would not have any argument from the government—would not take issue. It just needs to be reinforced across the spectrum.

We had discussions, as you are well aware, Mr Speaker, and made a recommendation that the secretariat prioritise the design, implementation and evaluation of the formal feedback survey for members. This was raised last year and took a while to get out of the starting blocks. As members are aware, this is now under way. It is a positive thing. There is often a view in life that you do not ask the customers what they want because you might not like what you hear. But you will only ever improve performance if you know what your customers like.

I try, as diligently and as much as my schedule permits, to go out and talk to my constituents and find out what their views are. Not always is every constituent enamoured of the policies of my party. Members of the government would be aware of that, as they are in much the same situation. But I do not think you can stay in touch with the needs of the people you are there to serve if you do not listen to their concerns. It is imperative that, when we hear criticisms on performance, we take them constructively.

I know that you, Mr Speaker, have great regard to that whole process and have given us a fair hearing on the issues raised. I am one who would like to see more progress. We have moved on from that era where we apologise for self-government in the ACT. This institution is here to stay. It is imperative that we operate it on a standard professional level that would be expected of an organisation that is legislating for a third of a million people and a territory whose government has a $3 billion budget.

The Assembly needs to be able to function at a level of professionalism and be resourced appropriately. I do not believe we are at it. There is a long way to go in some fairly fundamental areas. I will persist on that issue until I believe that we have got to that standard. The committee made a formal recommendation on one particular matter, but I would respectfully urge all involved to look closely at the matters raised because I believe they are reflective of broad opinions, even though we chose not to go into formal recommendation on many of those matters.

I have presented also a brief dissenting report. I know this is a little unusual, because I am the chair of the committee, but I have produced a dissenting report on one item. Precedent was established here some time ago where private committee discussions in another committee were aired in this chamber, and that was allowed to happen. I thought it was inappropriate. I am not going to fuel that practice, except to simply say that I do not believe that this issue was given adequate debate. When there is not adequate debate it leaves one who supports the sentiment with nowhere to go but to potentially write dissenting comments or a dissenting report.

The issue relates to the workers compensation scheme. This is a vexed issue in the ACT. The real issue of concern here is not just the issues I have occasionally canvassed about the appropriateness of responsibility and where things lie in terms of shared responsibility between employers and employees. The issue that I have is the very significant cost of workers compensation in the ACT.

There are various solutions which are not necessarily the policy of my party nor indeed of the government. It may relate to the method of payouts and it may relate to a host of other areas of responsibility. I am concerned in one respect particularly about the difference between the premiums collected and the payouts. There was a difference

between the premiums collected in 2003-04—and I am going on ACT WorkCover published data—of about $142.9 million and claims paid to date in that period, as well as future payments estimated, totalling $73 million. It is good business if you can get it, because we are talking here about a $60 million or $70 million profit in this activity.

Despite the former member for Molonglo, Mr Quinlan, often saying that we on this side of the chamber are friends of the big end of town, I certainly do not consider myself particularly friendly to the idea of these massive premiums being shipped out of Canberra to the insurance industry when I look at the claims history of the territory and the premiums they are gleaning from the business houses of Canberra. The sentiment was expressed by Ms Gallagher, the minister, about the need for a review. She has spoken on this in, I think, estimates and, certainly, at annual reports hearings. I have put questions on the notice paper. Even the minister recognised the need for a review of the scheme. I strongly hold the view that the potential cost of a review should not be allowed to interfere with this plan.

Sometimes you have to spend money to generate improvements and savings. If we can assist the ACT economy by bringing a better level of control on the level of workers compensation scheme premiums, then we are delivering a wonderful benefit for the ACT community. That will flow through into business, it will flow through into employment, and it will flow through into reinvestment.

I would like to still see a bipartisan view on this because it is an area on which I continually receive a steady stream of complaints. People quote New South Wales figures versus ACT figures. I know there are significant reasons for the differences that relate to the method by which we fund liabilities. But I am also concerned that, even within the model that we have adopted in Canberra, there may be scope for considerable improvement.

The government is quite active in promoting the view that occupational health and safety measures, improvements in safety in the workplace, are measures that help in this regard. Mrs Dunne was quite willing to acknowledge the radical improvements from when her father worked in the construction industry in the 1960s to the state of play we have now. I have had one of my children working in construction in Canberra. We have made massive progress. I take no heart in seeing any form of workplace injury, despite the inference in Mr Gentleman's remarks in the debate yesterday.

I believe that, whilst cutting down the level of claims, making sure that employers do not engage in foolish and dangerous practices and encouraging employees to take seriously safety at the workplace is part of the equation, we also need to look at the legal aspects of workers compensation, and whether there is scope for containing costs there, and we need to look at what the insurance companies are claiming out of the community of Canberra, with great gusto, in the demands they have imposed on this territory.

I spoke to Mr Quinlan when he was in this place. I am aware of the difficulties in negotiation because of the size of this territory, with a very small percentage of the Australian population. But all of these things could be put on the table if we had an inquiry. For that reason, I felt sufficiently strong on this issue on this occasion to take the view that I would add this perspective to the report and ensure that it is on the record that this is a matter that should not be allowed to lapse. It is a view that has been advocated

by Ms Gallagher, but she has expressed the view that the funds probably are not there and it will not happen.

It is something that is in the territory's interest. The opposition will continue to persist on this matter. We would urge the government to find those dollars to have a full-ranging inquiry into the scheme and see whether we can develop some solutions to cut the cost of workers compensation. It would deliver an enormous assistance to the small and large employers of Canberra, particularly the smaller businesses.

One final matter that could be covered also under workers compensation is an issue that has been raised with me and that I intend to take up formally with the minister. That is the self-employed businessperson who has an incorporated entity where they are the beneficial owner of that business and have no other employees. I understand that, in other states, they are not required to have workers compensation; but in Canberra they are, which puts them at an enormous disadvantage to a comparable sole practitioner who may not have chosen to go down the incorporation route. We ought to look at those anomalies and try to modify the demands on people who are running small operations.

In conclusion, I must say that a report such as this does not come to fruition without the hard work, cooperation and professionalism of the many involved. I conclude by thanking my committee colleagues Dr Foskey and Ms Karin MacDonald. I acknowledge the cooperative manner in which ministers and accompanying departmental and agency staff, members of governing boards and associated entities responded in terms of their cooperation during the inquiry process—in the main.

I pay regard to the committee office, particularly Ms Andrea Cullen, who does an outstanding job, as I have said previously. She is one of the most professional people with whom I have ever worked in my entire career. She has done a good job on this again. We have a lot of inquiries going in public accounts, and it is no mean feat to continually produce the quality of reports and drafts that she does and to accommodate the competing demands of the three members of the committee, particularly my two colleagues who serve on other committees as well. Between all that she manages to ensure that we have our hearings, with evidence, and produces quality material that is of an exemplary standard.

I commend the report to the Assembly. I believe my committee colleagues also wish to provide comment.

DR FOSKEY (Molonglo) (11.53): I move:

> That the report be noted.

I would like to take my opportunity to speak to the report to echo Mr Mulcahy's thanks to the people who appeared as witnesses before hearings, and in particular to thank Andrea Cullen, who seems to work very hard servicing our committee and is a very pleasant person to work with.

Of course, any committee report does not entirely reflect everybody's views. That is the nature of committees made up of representatives of the three parties in the Assembly. But I do think that we worked together quite well in preparing this report. I note that

Mr Mulcahy has made some dissenting comments in relation to a recommendation that was in the draft report that was not approved by the other members of the committee. I just want to expand on the reasons why I did not support that recommendation and to also refer to some of the recommendations that I would have liked in the report, and no doubt Ms MacDonald will also address her issues after me.

Mr Mulcahy has already spoken to his dissenting comments. I do not remember the committee considering any evidence that expressed concerns about the ACT private workers compensation scheme, and consequently I did not see how that recommendation should be in the committee report, because normally a report is made up of evidence put before the committee that is then discussed by the committee.

The ACT scheme did emerge from substantial work of a committee composed of employer and employee representatives and people from social services, the insurance industry and the medical profession. The process was driven by the ACT government of the time, a Liberal Party minority government, and the minister who saw that project through was the current Leader of the Opposition, Brendan Smyth. In terms of income support, the ACT scheme pays regard to the needs of both the injured worker and their family. To that extent, this new scheme caters much more reasonably for those people who are substantially affected by workplace injury, and their families and dependants, than did the previous regime or existing schemes in other states.

Several times in the past few months we have heard Mr Mulcahy attack the principles of the ACT workers compensation scheme in this Assembly, and no doubt outside it, and suggest that the costs we carry in the ACT reflect the mal-intent of workers looking for an easy life on compo. This led me to fear that his call for review in the next budget period was a reflection of an intent to unpick the constructive work that was done before he was here and a political agenda inappropriate as a recommendation from the Public Accounts Committee.

I did not support Mr Mulcahy in his recommendation for a review of the act within the next budget, but I do support a review of the act. It is, and always has been, seen as a necessary and significant part of the process of putting a new scheme into place. However, in doing so, I would seek the advice of the Occupational Health and Safety Council, a tripartite business, union and government advisory body, on any need for urgency on that review.

In relation to the issues that I pursued in the committee's deliberations, I did hope for some stronger recommendations about sustainability reporting. While there are some recommendations regarding that, it is my belief that they should have been stronger. During our annual report hearings we were very pleased to hear that the Chief Minister said that he had already directed all agency heads to note the Actew annual report and its use of the global reporting initiative. The Auditor-General's report No 3 of 2005, called *Reporting on ecologically sustainable development,* also sets out clear and achievable steps that government agencies can take to implement more sustainability reporting mechanisms. I think our recommendation No 3 would have been strengthened if we had referred to the Auditor-General's report and backed up its recommendations by requiring each agency to comply with those recommendations. Also, recommendation 3 would have been strengthened had we recommended that we not only investigate but also

implement measures, because I believe Treasury has been investigating measures for quite a long time and that a bit of implementation is in order.

On page 26 of the report, in regard to Actew, the committee also noted—I sought to have this included—that none of Actew's projects are invested in improving efficiency options for low-income public and private tenants. All the push is towards home owners, and we know that in the ACT quite a number of people are renters, have very little power to improve the energy and water efficiency of their dwellings, and of course they usually pay those bills.

Finally, following on from recommendation 4.28, I would have liked the committee to have also made these recommendations: "that Treasury develop draft sustainability and global reporting initiative measures as a basis that can be easily be adapted for each agency to incorporate into their annual budgeting and reporting processes" and "that the Office of Sustainability work with each agency to develop relevant measurable triple bottom line performance indicators".

Once again, those are a progression from the Auditor-General's report that I mentioned earlier on. We have heard from this government—and certainly I had many conversations with Mr Quinlan—that there is a commitment to improve our triple bottom line performance. The Auditor-General's report shows that agencies are floundering and need leadership. It would seem that the Office of Sustainability is the appropriate body to provide that leadership, but I think the government needs to give all these agencies a stronger push.

Distinguished visitor

MR SPEAKER: I acknowledge the presence in the gallery of the President of the Western Australian Legislative Council, the Hon. Nick Griffiths. Welcome.

Public Accounts—Standing Committee
Report 5

MS MacDONALD (Brindabella) (12.01): I just want to address Mr Mulcahy's dissenting report and I would like to start by noting that Mr Mulcahy does not even seem to have enough regard for his fellow committee members to stay in the chamber while we address this report, which is discourteous in the extreme.

I am quite cranky, I have to say, about the dissenting report. I am also quite cranky about the fact that Mr Mulcahy stood up before and sought leave to make a statement, rather than present the report, which is the norm. As a result, that allowed him to filibuster for an extreme length of time. He and the opposition should note that the government has taken notice of the fact that that happened and will be keeping that in mind the next time there is a request for such leave. Mr Mulcahy has presented his dissenting report in a way that is most unusual, and I would say that it in fact borders on being sneaky.

Members will recall that on Tuesday night the Assembly rose early. At 5.54 Dr Foskey and I—along with copies to the secretary and, I think, members of Mr Mulcahy's staff—received the following email: "By way of courtesy notification, I am writing to advise that I shall be lodging a brief dissenting report on annual reports in relation to the need

for an inquiry into workers compensation. You will recall this recommendation was deleted from the final report." I would not necessarily have an issue with that, except for the fact that the day before, on the Monday, we finalised this report and I do not recall Mr Mulcahy saying that he was going to be putting in a written dissenting report. I could be wrong about that—it could be my lack of recollection—but he certainly did not state it strongly enough for me to recall that.

I do recall that, in the preceding week when we were deliberating on this report, Mr Mulcahy put this forward as a recommendation in the chair's draft. I have no issue with that. We did have a brief conversation. But Dr Foskey has rightly pointed out that this was not presented as a major issue to the committee, and the majority of the committee deemed that that recommendation was not appropriate.

There is no problem with Mr Mulcahy putting in a dissenting report with a recommendation that he feels needs to go in. But, as I recall, at the time my comment on it was that it was not for the committee to be directing the government as to their budgetary deliberations, and that was my reason for not supporting the recommendation. Mr Mulcahy has always had it open to him to put in a dissenting report with the recommendation. However, he does not need to sneak about the corridors to do it. That is not the way to gain the respect of your colleagues in this place. It gains no respect whatsoever and it shows a complete disregard for his fellow members on the committee.

This is not the first time this committee has had issues with Mr Mulcahy's behaviour on the committee, and I believe that Mr Mulcahy has been allowed a lot of latitude. But I am saying here and now that Mr Mulcahy, as the chair of this committee, has an obligation to deal appropriately and fairly with the rest of the committee.

On a more pleasant note, I also would like to thank Ms Andrea Cullen for her work. The PAC has a very heavy workload, as do all public accounts committees throughout the country. The committee is required to deal with Auditor-General's reports, with other inquiries from time to time as we deem fit and, of course, with annual and financial reports, a number of which come to the committee. So I know that Ms Andrea Cullen has a very heavy workload and I do appreciate the professionalism that she brings to the job of secretary and thank her for that work.

In finishing, I reiterate my earlier comments, now that Mr Mulcahy has come back into the chamber. I urge him to take note of what I have said.

MR MULCAHY (Molonglo) (12.07): I want to respond to that diatribe that was just presented to the Assembly. I take personal exception to the use of the term "Mr Mulcahy has acted in a sneaky fashion". I think that is offensive. The fact of the matter is that in—

Mr Stanhope: Is it true, though?

MR MULCAHY: No, it is not true, Mr Stanhope. The fact of the matter is that I was considering the dissenting report subject to advice. I took advice from Mr Duncan, the Clerk, who canvassed with me various procedural issues about this and whether the matters had been considered, which they had been. In terms of the so-called filibuster, I seek leave to table a guide note from the committee office—it was a draft—in which I

was given a set of procedures to follow, including, "I seek leave to make a brief statement".

Leave granted.

MR MULCAHY: I present the following paper:

> Draft speaking notes (page 2), prepared by the Secretary of the Public Accounts committee in relation to the presentation of report 5 of 2006.

I checked upstairs while I was absent and found that the guide note from the Clerk did not include that offer, but in fact that was the one I was reading from, which also contained draft notes from the committee office. So I would hope that I get an apology for the suggestion that there was something untoward about my approach. I, as I always do, operated on advice, and took the advice of the committee secretary. Maybe, because she is a relatively new person, as am I, she did not know that that was custom; but it was in the document and I followed the document.

I also take exception to the suggestion that there is something sneaky about making a dissenting comment. I am going to restrain myself from canvassing the discussion of the private committee, except to say that I was sufficiently unimpressed by the handling of it that I felt the need to address this important issue. There was nothing advantaged by saying to members of the committee that I would do this at 3 o'clock, 4 o'clock, 5 o'clock—or whenever the email was sent. We had exactly the same situation with estimates, where two members of the estimates committee elected to lodge a dissenting report. There is no requirement under the standing orders of the Assembly to clear this with the committee in advance.

The record needs to stand to show that that tirade of abuse that was just put onto the public record is yet another example of the temperament of Ms MacDonald in the context of not respecting the chair of the committee, who has in fact acted properly at all times and who has acted in accordance with the advice provided.

Question resolved in the affirmative.

Senate Community Affairs References Committee
Statement by Chief Minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (12.10): I seek leave to make a statement concerning the Senate Community Affairs References Committee's inquiry into children in institutional care.

Leave granted.

MR STANHOPE: I wish to take the opportunity to respond today to recommendations of the Senate Community Affairs References Committee in relation to two reports arising from its inquiry into children in institutional care. The committee investigated

any unsafe, improper or unlawful practices by government or non-government institutions charged with children's care and/or education and considered the extent to which redress could be sought or given.

The Senate inquiry heard from many people who had been in care during these years and who experienced physical, sexual and emotional abuse and neglect at the hands of their supposed carers. The inquiry also heard from people who continue to suffer from their experiences of abuse. To those now living in the ACT who were in care as children and who experienced abuse and neglect and ongoing emotional physical pain and distress, the ACT government acknowledges their experiences and expresses to them its deep sadness and regret for their suffering.

The first report from the Senate, *Forgotten Australians*, focused on Australians who experienced institutional care as children between the 1920s and 1970s. It investigates experiences of those abused while in care and the role of state governments in administering those charitable and church-run institutions that provided such care. The second report, *Vulnerable children*, looked at foster care, children with disabilities in care and other contemporary issues of child welfare and child protection. Its recommendations cover the provision of financial and other services, the collection of data and access to information.

The ACT did not administer out-of-home care prior to self-government. The evidence presented has, however, provided members of the government, and indeed all members of this Assembly, with the opportunity to reflect on policies and practices of the past and to take these experiences into account when planning for the future. To demonstrate our commitment to improving care and protection for vulnerable people, the ACT government is establishing the office of Commissioner for Children and Young People to act as an advocate and to ensure that the voices of children and young people are heard. We are helping fund agencies that directly represent the interests of children and young people who were or are now in care—the CREATE Foundation and CLAN, the Care Leavers Australia Network—and we are working to improve out-of-home care provided to children and young people in the ACT.

We have already established the Institute of Children Protection Studies at the Australian Catholic University in Watson, which will train coming generations of professionals and lead research in care and protection for the benefit of the ACT community into the future, and we have significantly increased funding to services for children and young people and their families.

The government also acknowledges the importance of access to information and will work to ensure young people leaving care, or who have been in care in the ACT, have access to their records. The ACT government is working with other jurisdictions to provide support and assistance to the people concerned who, as adults, are now residents of the territory.

The abuse inflicted on children in the past cannot be condoned by a civilised community. In expressing the sorrow and regret of the government at these past failures to protect children, I also express the belief that the actions being taken now to reform and strengthen the ACT care and protection system will provide a safe, secure and caring environment for our children.

I table the paper and move:

> That the Assembly takes note of the paper.

Debate (on motion by **Dr Foskey**) adjourned to the next sitting.

Duties Amendment Bill 2006

Debate resumed from 9 March 2006, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (12.15): This bill abolishes duty on the sale or transfer of non-property business assets, and for that reason the opposition support this bill. This is one of the many taxes imposed by the ACT government that were marked for abolition in return for the GST under the intergovernmental agreement—IGA as it is known—in 1999.

From 1 July 2006 duty will no longer be payable on the sale or transfer of business assets such as goodwill, intellectual property, statutory licences or permissions under commonwealth or territory law and franchise agreements, except for franchise agreements longer than 30 years. It is a small step, but it is a correct step and it is in the right direction. The saving to business from this amendment is estimated to be around $2 million per annum. This is better than nothing, but we need to see this in perspective.

Duty of some $160 million in terms of receipts will remain on the sale and transfer of real property; that is, land. The big tax remains. The recently retired Treasurer foreshadowed that removal of duty on non-property business assets would be followed by the abolition of duty on rental arrangements in 2007-08, which will represent an estimated saving of around $3 million; lease duty in 2009-10 with a saving of $4 million; and duty on unquoted marketable securities in 2010-11 with a saving of $10 million. The total saving, including the $2 million from this amendment, to businesses by 2010-11 will be $19 million per annum.

The government had an opportunity to remove these and other inefficient taxes much earlier, of course, when its revenue was booming, but instead it committed itself to a spending program on all sorts of new schemes that we have seen in recent times such as the arboretum, the prison and—I am not quite sure where this one sits—the Civic-Belconnen busway. We are just not sure whether it is in the loop or out of the loop; it depends on which minister is talking to the media. Now that the government's budget is well into the red, and is expected to be even worse next year, the scope for bringing forward the tax cuts has virtually vanished. There is now even less prospect of removing the biggest disincentive to commercial property investment in the ACT: stamp duty on commercial conveyances.

I believe the government have got themselves into a bit of a corner where they now simply cannot afford to give tax relief and have to wear the consequences of reducing the attractiveness of Canberra as a place to live and do business. Frankly, I can understand their predicament, and it makes me very reluctant publicly to advocate new initiatives

that are going to cost the taxpayer a lot of money, because things are in a parlous state and it would be reckless of me to not pay regard to the position they have got themselves into.

The saving of $2 million to business from this bill, leading ultimately to $19 million by the fiscal year 2010-11, can also be looked at as revenue forgone by the government. But that loss from the government's perspective must be seen against GST revenue estimated to be $863 million in 2006-07. It is quite interesting that over the five years to 2008-09 GST payments are estimated to run at least $60 million per year greater than if there had been no tax reform, so the government is clearly a net beneficiary from tax reform.

I do not think the message is very well understood out there. I do not think my colleagues on the hill have done the greatest job in marketing the GST for just what a massive windfall it has been and how it has helped the ACT by these taxes being delivered back to the territory. It is just regrettable that, instead of taking advantage of this windfall, this government's view has just been to spend more. The federal government are quite correct in asking state and territory treasurers to meet their side of the bargain by reducing state taxes in return for receiving GST payments. Quite frankly, I think people are right to be upset with aspects of this whole deal. The GST came in and we understood this was going to see the end of a raft of these state taxes. Yes, some have gone, and some will eventually go and many will stay. But the sentiment and the understanding of the people of Australia when this new system of tax was developed were certainly much different from what we have finally seen.

It seems that many of the state governments have taken a view that this extra money that has come in is simply there to be spent on all sorts of interesting initiatives. I do not have an issue with seeing substantial funds going into health and education—these critical areas of service need—and aged care and the like. But, when I see the monument-building concepts start to creep into territory and state government practices because all of this money that has been coming in, I am concerned.

There are other taxes, apart from those listed, that could be reduced or abolished, such as payroll tax, duties on general insurance and life insurance and duty on motor vehicle registration. The duty on motor vehicle registration probably seems a small thing to some in this place, but in fact it is one of those real irritants for people. Before the 2004 election I looked at similar duty in every other state in Australia and realised that we are absolutely getting slugged in the ACT; we are up there with the parlous New South Wales situation where people are taxed to the hilt. The ACT sits alongside New South Wales as one of the highest taxing places in the country.

There is room to do more because the states and territories are receiving far more from GST revenue than they expected. They have been the big winners. The former ACT Treasurer said that abolishing the taxes to be reviewed under the IGA—and am quoting him from the *Canberra Times* on 24 March last year—"would cripple the territory's economy". But what he meant was that the government had foolishly spent a lot of the windfall revenue of the past four years and had nowhere to go. I understood his frustration, and that was the real message in that public comment. The Chief Minister will probably see those windfall years as the budget being saved by good luck. He made that reference only the other day—that it was more good luck than good management

that has them in the position to date. But I am pleased to see that he certainly is not putting it down to good management.

The fact is that as a result of GST revenue the ACT will be better off, compared with the pre-GST system of payments, by $151 million in the financial year 2006-07. In other words, if the ACT government were true to the intention of the 1999 intergovernmental agreement, it would cut territory taxes to the value of $151 million. And wouldn't that make life easier in this territory for many people? But of course it will not happen. It is not possible because of the government's past spending patterns. The fact that it has now run down its unencumbered cash underscores the extent to which the government has drifted from the spirit and intention of the intergovernmental agreement.

I know the Chief Minister will leap to his feet and say: "Well, you know, we are doing literally what we were required. When we said we would look at the other taxes, it did not mean that we would do anything about them." But I do not think that was the spirit. I do not think that is what the people of Australia understood to be the case. It is certainly not what I think the people of the ACT believe to be the case.

We do not see, in tax issues, the territory government championing the position of many in the ACT. We saw a backflip on income tax. There is a very high percentage—higher than in the rest of Australia—of salaried people in the Canberra community who pay a substantial amount in income tax; they are not working in business where there may be tax opportunities that escape wage earners. But we saw the former Treasurer dismiss the idea of income tax reductions. He said: "No, we don't want that going to the people of Canberra. We just want it all for ourselves." Well, I think the people of Canberra might have a different view about that. I noticed that a little while later he suddenly felt that maybe income tax reductions were not a bad idea. Obviously someone at Labor headquarters said, "Be careful here; we will lose our voter base." So, sadly, the issue of the tax burden on the community does not seem to be the primary driving priority, but I am pleased to see that we have got this initiative here, which has been agreed to by the Labor states and is, at least, scheduled for implementation.

The removal of many nuisance taxes at the territory level would make the tax system more efficient and contribute markedly to growth. It is interesting that Access Economics, a respected economic consulting firm, have estimated that the removal of these state-based taxes could add more than $3 billion to Australia's gross domestic product, from which we all stand to benefit, and they said that the removal of the property taxes I referred to earlier would have the most significant stimulatory effect in the ACT. I actually met with them and asked to be briefed on their views about the ACT economy quite some time ago and they said that was the standout item and that there would be amazing flow-throughs to our economy if that reform were embarked upon. I do not stand here today and say we can afford to do it anymore. I think that is one of the tragedies of our present financial system. It will take quite a period of recovery before that can seriously be considered. But I think it is tragic that we are in that position.

Applying the usual ratio in terms of the removal of the state-based taxes would add about $60 million per year in activity to the ACT economy, which would be seen in more investment, more jobs, the look of the city and, of course, better services. When the economy flourishes, obviously the city benefits from it.

I know we have got good economic figures. I did not hear the Chief Minister yesterday give any concession or ground whatsoever to anyone having anything to do with this other than himself. But, of course, we have been fortunate that the federal government have been able to expend substantial amounts in the territory, creating significant numbers of jobs in the defence sector, and that has led to housing demand, both within the territory and the region. It is a pity that we do not give some credit to that aspect of the economy. They do contribute substantially to employment, to the arts and to the infrastructure of the territory, and that has contributed to the position of the ACT.

But our lack of growth in population is a matter of serious concern. The government has argued that, since the ACT is surrounded by New South Wales, taxes in the ACT should be brought into line with New South Wales. As a result, we rank with that state as the highest taxing jurisdiction in Australia. When we look at the head tax figures paid by people of the ACT, we are really getting it in the neck. I would suggest that, rather than slavishly following New South Wales, we should set ourselves apart from other states and territories. Tax reductions should not be seen as a handout to business but, rather, removal of impediments to investment, job creation and the attractiveness of Canberra—and the GST certainly was intended to give us the opportunity to do just that.

The bill does contain some transitional antiavoidance provisions, which expire after five years, to counter transactions that the executive might deem designed to defer or avoid duty. The antiavoidance measures are designed to thwart attempts to avoid payment of duty prior to 1 July 2006 by methods such as options or any other action that the executive believes is not adequately covered by this bill. I have no issue with ensuring that people cannot sidestep their obligations with respect to the ACT taxing arrangement.

The scrutiny of bills committee has commented adversely on these antiavoidance measures. Specifically, it is critical of clause 14 of the bill, which confers powers on the executive to modify the act in order to catch anyone who might otherwise be able to slip through the antiavoidance net. Although any change made by the executive may ultimately be subject to disallowance, the scrutiny of bills committee warns that conferring such powers represents a transfer of the law-making role from the legislature to the executive. This should be avoided because it undermines the principle of the separation of powers; the Chief Minister has spoken on that previously and would be aware of that principle, and obviously is.

No doubt the Chief Minister/Acting Treasurer will argue that since no duty applies after 1 July 2006 there is only a three-month window during which duty avoidance schemes could be used—for that reason I was reluctant to propose amendments and decided not to—so it would not be practical to require the executive to come back to the Assembly, after having discovered a new loophole, with a new measure to close it in the three remaining sittings of the Assembly before 1 July.

The opposition acknowledge there is a trade-off here between the principle of not allowing the executive to usurp the law-making role of the legislator and the practicality of implementing an effective antiavoidance message in time to stop loss of revenue from tax avoidance over the next three months. However, given that the potential scope for avoiding duty will cease on 1 July 2006 because no duty applies after that date, I would be grateful for the Treasurer's explanation for why the transitional antiavoidance

measures really will last for five years, which has not been the practice in this place in previous legislative measures of this nature.

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.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming): Mr Speaker, for the information of members, I advise that my colleague the Minister for Urban Services and Minister for Disability, Housing and Community Services is unavailable to take questions today. I would be happy to seek to assist to the best of my ability. Beware!

Questions without notice

Alexander Maconochie Centre

MR STEFANIAK: My question is addressed to the Attorney General. The projected prison for the ACT is the biggest capital project ever undertaken by the ACT. Recurrent spending on the prison will be at least $20 million a year once it is established. Will the prison be considered as part of the functional review of government services? If not, is this not a good example of being penny-wise and pound-foolish at a time when the government is reducing basic services due to a lack of money?

MR STANHOPE: It needs to be understood, in relation to the recurrent costs of the Alexander Maconochie Centre, that the $20 million—I am not accepting that that is the number; I would have to take advice on that or check the latest information—incorporates the recurrent expenditure that we provide to pay for the care of ACT prisoners in New South Wales. Currently we have about 140 or thereabouts; the number fluctuates somewhere between 120 and 160. We have somewhere between 120 and 160 prisoners in New South Wales at the moment. Of the $20 million a significant portion, of course, goes to New South Wales.

Mr Stefaniak: It's about half.

MR STANHOPE: Yes; $9½ million to $10 million. Of the $20 million, $9½ million to $10 million is currently paid to people employed by the New South Wales government on our behalf to care for our prisoners in New South Wales. In the context of some of the economies of the prison, I know the Liberal Party and certainly the chamber of commerce are talking down the construction of the prison and talking down the economic benefits, or are completely ignoring the economic benefits.

If we dismiss all those other benefits in relation to rehabilitation, recidivism and our responsibility to ACT prisoners in the first place—let us just dismiss from the question the social and criminological aspects of conducting, managing and organising our own

prison—this is about dollars. This is the classic economic rationalist approach to the delivery of any social service. We will deal just with the dollars.

Of the $20 million perhaps ultimate cost—that has not yet been finalised—half of it is currently being paid to New South Wales; to officers of the New South Wales government living in Junee and Goulburn, outside Long Bay and Parramatta, and at Gosford. The Liberal Party in this place is obviously quite content with $10 million of salary being paid to New South Wales government officials to care for ACT prisoners. They are quite happy for that $10 million in salary to support businesses in Junee, Goulburn, Gosford, Sydney and Parramatta. I find it strange—listening to some of the presentation we have had, even today, from the shadow Treasurer—that the ACT opposition is happy to support New South Wales employees; happy to support the towns of Junee, Gosford and Goulburn. That is the first half of the $20 million.

In the context of the second half of the $20 million, the majority is currently paid to maintain the Belconnen Remand Centre and Symonston. It needs to be understood that Hume will also incorporate our remand facility. At the moment we have a most inefficient remand capacity. It is split between two campuses; two-thirds of it being in the middle of Belconnen, in a facility that does not meet bare minimum standards for the housing of prisoners or detainees. You need to consider that as well.

In this debate around Hume and the Alexander Maconochie Centre there needs to be some attention paid to the fact that we have, in the Belconnen Remand Centre, a facility that is simply not suited to the purpose. It is substandard and it is not a facility which this community can bear to turn its back on and pretend is appropriate. You need to address that issue when you talk about Alexander Maconochie—and you talk it down.

Talk about the $10 million that is spent in New South Wales and why you support that. Justify why the Belconnen Remand Centre is satisfactory in its services, its fit-out and its capacity. It is the most unsatisfactory of any government facility in the ACT. It is of the worst standard and it is the least acceptable of any government facility in operation in Canberra. It cannot be allowed to exist.

You would remember that the initial driver for development of our own prison was that we could not persist with the Belconnen Remand Centre any longer. That was the position that Michael Moore and Gary Humphries took seven or eight years ago: it was unconscionable that we persist with the Belconnen Remand Centre.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Chief Minister, is the functional review hogtied from the start in not being able to interfere in your personal hobbyhorses?

MR STANHOPE: I am particularly grateful for the supplementary. I was concerned for a second that there would not be one. I did not get to Symonston. At Belconnen, we have a facility that is substandard and which the Liberal Party, in government, highlighted perhaps as the first order facility that needed to be not so much upgraded but closed down and replaced. As we took the reins of government and realised the appalling state of Belconnen Remand Centre. We developed and enhanced facilities at Symonston for the overflow of remandees. We now operate this incredibly inefficient remand arrangement of two campuses: one at Belconnen, one at Symonston.

In the context of the costs of running Alexander Maconochie, half the $20 million—that the Liberal Party and the shadow attorney now hold up as shock-horror $20 million of recurrent costs to run Alexander Maconochie—is being spent in New South Wales today and will be spent in New South Wales next year, the year after and the year after if we do not build our own prison. The rest of the $20 million is essentially incorporated in running the worst and most inefficient remand capacity.

Mr Stefaniak: No; you've got to have an extra hundred staff, Jon. That is your other 10 million. Ask your corrections people. You'll have another hundred staff once it's up.

MR STANHOPE: No, they are currently working in New South Wales. The equation is quite remarkable here. We now have remand staff in corrections running an inefficient, outdated and completely unsatisfactory remand facility. They are staff. We have staff to run Belconnen Remand Centre and we have staff to run Symonston. Because we have to run two campuses, it is incredibly inefficient that we cannot collocate and centralise the service and the provision of remand centres. That will all be moving to Hume. All of those prisoners—who are currently bolstering the economies of New South Wales and the New South Wales communities, and providing employment within New South Wales—will be moved to the ACT. The staff will not, but their salaries will.

The economics of the prison do not get to the issue of the enormous ongoing benefits in relation to the construction. We are talking about a $128 million construction project, the hundreds of jobs—the business. I would be interested if you went and had a yarn to the Master Builders Association. Do not just restrict your advice to the chamber of commerce and Chris Peters. Go and have a word to David Dawes, have a word to Ross Barrett, and have a word to the builders around town. Ask them what they think about your proposal to scrap the single biggest public works program in the history of the ACT. I know what they think about the $128 million in construction, the hundreds of construction jobs and the ongoing economic benefit of a major facility operating in the ACT.

Go and ask the businesses of Hume what they think about the prison. Go and ask those businesses that will benefit from this major institution, housing compulsorily a couple of hundred people who need to be fed, clothed and looked after and who need all the facilities. Where will those services and facilities be provided? Where will the food be sourced? Which businesses will benefit from this major institution within our town? The businesses of the ACT. And you pretend to be the party for business. It is a joke.

I get back to the nub of the question. Of course, the functional review was asked to look at corrections and the corrections facilities. The basis of the question is completely flawed. The functional review has investigated all aspects, without exception, of ACT government service delivery and management. There was not a single area of ACT government service provision that is not being put within the scope of the functional review. Your essential thesis is completely wrong. The functional review was given carte blanche, without restriction, without a single inhibition.

Genetically modified food crops

DR FOSKEY: My question is to the Minister for Health and is in regard to the current moratorium on the commercial release of genetically modified food crops. The minister and the ACT government would be aware that ending the moratorium will not encourage more GE research in the ACT in itself as laboratory experiments and field trials licensed by the Office of the Gene Technology Regulator are already exempt from the moratorium. Minister, given that surrounding states in our region have GE crop moratoria until 2008, is the ACT government committed to retaining the current moratorium on commercial genetic engineering crops in the ACT at least until this time?

MR CORBELL: The answer to Dr Foskey's question is yes. There are no plans to change the existing arrangements at this time.

DR FOSKEY: Given that, what actions will the minister take to reassure the biotech industry that the moratorium does not limit their capacity to do research and development in the ACT?

MR CORBELL: I thank Dr Foskey for the question. The government and I, as the minister, have been quite clear on what this moratorium means. The moratorium is a moratorium on the release of commercial GM products.

Clearly the ACT does not have any significant food and agriculture industry within its borders. Therefore, our GM crop moratorium is essentially, in some respects, symbolic. In one regard, it ensures that existing moratoria that are in place in New South Wales cannot be circumvented by using the ACT as a loophole. For example, the moratorium on the release of certain GM technology products in New South Wales could not be circumvented by having such a crop experiment and used on a commercial basis here in the ACT.

For me and the government, the reason why the moratoria should remain in place is to ensure consistency and to ensure the adequacy of the moratoria that are already in place in New South Wales. I have made that clear to anyone who has raised this issue with me. The moratorium does not in any way impact on research activity because the moratorium is not on research activity, only on the commercial release of GM modified products into the commercial market.

In putting together the legislation, the government consulted widely with stakeholders, including organisations such as the CSIRO who conduct extensive research into gene technology and genetic modification of food crops. We did not, at that stage, encounter any concerns raised by the CSIRO or other organisations because of the moratorium proposal. It has not had any impact on their research activity here in the ACT.

I can understand that there may be some philosophical objection to a moratorium on commercial release per se, whether it is here in the ACT or in surrounding New South Wales or other parts of the country. Most states in Australia have moratoria in place on the release of genetically modified organisms for commercial food-cropping purposes. That said, that does not, in the government's view, in any way undermine the capacity of research organisations to do their research here in the ACT.

Whether or not GM moratoria are justified for commercial release is a separate question to whether or not research is or is not able to be conducted here in the ACT. Quite clearly, research continues to be able to be conducted here in the ACT.

It is worth making the point that the ACT legislation originally contained a sunset clause which would have caused the moratorium to expire two years after it came into effect. As a result of an amendment moved by a crossbench member at the time, the act now provides for the moratorium to expire on the date fixed by the minister in writing. There is no automatic expiration of the existing moratorium. That has been a source of some confusion in the public debate on this issue. There is no set date for expiration of the moratorium. The moratorium remains in effect until a decision is made by the minister to revoke it. There are no plans by me and no policy decision by the government to revoke the GM moratorium.

Policing—hit-and-run incident

MR PRATT: My question is to the Attorney-General. I understand that the young man who was driving the car that killed Clea Rose, and who put a couple of constables under unnecessarily severe pressure, had been released from Quamby, after serving a previous sentence of approximately six weeks prior to the incident. I also understand that he had been brought before the court over that period on more than one occasion, charged with committing fresh offences, and was granted bail. Attorney, I am concerned how this particular person with his particular record was granted bail in this instance. Can you advise the Assembly as to why he was granted bail?

MR STANHOPE: I thank the shadow minister for police for the question. I think it does need to be understood that issues around the granting of bail are matters very much within the responsibility of the courts. There is a very clear separation of powers between the parliament—and, of course, between a minister for police and the operations of the Magistrates Court. I am more than happy, Mr Pratt, to seek to confirm the details of the circumstances relating to the matters that you claim are alleged. I cannot verify them—I simply do not know—and it is not the sort of information that I would normally expect a minister to have at his fingertips or be involved in, acknowledging that these are essentially matters for the courts. But I think it is a live, real and reasonable question—I do not say that it is not—in circumstances of recidivism of any sort or in circumstances where a person has been arrested and charged, perhaps not convicted, and bail is granted.

I think it is reasonable to understand the circumstances and the basis on which bail is granted. But in that circumstance, of course, it would be in a case where a matter had not proceeded to trial and the person was awaiting trial. The sorts of issues that are taken into account in relation to bail are, of course, well known and, to some extent, documented, and there are certain considerations that courts or magistrates will take into account. Some of them, of course, may not be public. I am not aware particularly if the young person is a juvenile. There are aspects of the Children's Court and matters for children's courts that are not public and not in the public domain, and for very good reason.

I am more than happy to make inquiries, Mr Pratt, but I cannot promise that I can provide the particular specifics of the detail that you seek, but I do not disagree that these are issues that are reasonable to be explored. They are matters of significant public

interest. I know that there is real concern around recidivism, around repeat offenders and around ensuring that the community is kept safe. But I think you would appreciate that, in relation to the operations of the Children's Court and matters in relation to children, there are certain statutory bars to the disclosure of information.

I am not quite sure of the basis on which you have been informed or advised that the young person, whom I believe is under the age of 18, was granted bail. I would have thought that that was information that should not be in the public domain, and that if somebody has been providing you with advice about Children's Court matters it may be that either they are in breach of the Children's Court Act or you are. It may be, indeed, that there are prohibitions, even on a minister for police or an attorney-general, being provided with information about matters that are pursued in a children's court. I pose those questions rhetorically, because I do not know the answers.

Mr Mulcahy: They're in the police report, I think.

MR STANHOPE: I do not know; that is what I am saying. But I will pursue the question, and I will pursue it seriously—I think it is a reasonable question—but I cannot promise, in taking it on notice, to be able to provide you with all the information that you seek.

MR PRATT: I have a supplementary question, Mr Speaker. Attorney, on this matter, when you are checking the facts, and if you are satisfied with what I have advised you here today, what are you going to do to tighten up the Bail Act?

Mr Corbell: Mr Speaker, I raise a point of order. Mr Pratt is asking Mr Stanhope to announce executive policy and I think that falls outside of the scope of question time questions. The question "What are you going to do to tighten up the Bail Act?" is a request to announce executive policy.

MR SPEAKER: The question was, "When will you tighten up the Bail Act?" That is a request for an announcement of executive policy, so I am not going to allow it.

Mr Pratt: I raise a point of order, Mr Speaker. I didn't ask when. I asked, "If you are satisfied with these circumstances, what are you going to do?" If that is unacceptable, I will rephrase that to "will you, Chief Minister, under these circumstances".

MR SPEAKER: You were asking the Chief Minister to announce when or by what means he was going to tighten up the Bail Act, and that is calling for an announcement of executive policy, which is not permitted under the standing orders, as you well know.

Mrs Dunne: Mr Speaker, on the point of order: if Mr Pratt rephrased his question to "will you do that," is that an expression of announcing executive policy?

Mr Stanhope: I'd be happy to respond to that.

MR SPEAKER: I suppose it would. When is he going to ask the question? His remaining question has just been ruled out of order, so I suppose he gets a turn next time we meet.

Mrs Burke: He's happy to respond to that.

MR SPEAKER: I'm in a good mood today; rephrase the question.

MR PRATT: Thank you, Mr Speaker—that is very sporting indeed—and thank you, Attorney. Attorney, when you are checking the facts, and if you are satisfied with the circumstances that I have outlined here to you today, under those circumstances will you consider tightening up the Bail Act?

MR STANHOPE: It is a very hypothetical question and I will not commit to respond. Suffice it to say—and I think it is reasonable for me to respond on the essential philosophy in relation to the way in which our courts operate and the separation of powers—I do not believe there is an issue or a deficiency in the provisions relating to bail. At the heart of the proposition put is that we need in some way to further circumscribe or narrow the discretion of magistrates and judges. It is this government's essential position in relation to the operation of the courts that we appoint experts in the law, experienced practitioners, people with acknowledged legal expertise and experience, particularly in the criminal justice systems, to make those decisions on the basis of all the evidence before them. I am not one of those who are prepared to point a finger at the courts and suggest that, because they gave bail in this or that case and some subsequent event occurred, there was an error of judgment or the laws were deficient. We trust our magistrates and our judges to administer the law, and I do not believe the law is deficient because there might be one case where there was a recidivist offence or a reoffence as a result of a decision taken by a magistrate.

So I will not answer the question specifically; I will make the investigations that I have undertaken to make. But it needs to be understood that we invest in our magistrates and our judges' significant authority and discretion, because they are the people with the expertise, they are the people with the person accused before them, and they make their decisions on the basis of every aspect of the circumstances. It is often easy at a distance, when one is not in possession of the facts and the fine detail of particular circumstances, to say, "Oh, well, there was obviously a mistake made." More often than not I think it is fair to assume that there was not a mistake made; that, on the basis of the information available to the magistrate, they made the appropriate decision. It is the best system we have. I do not believe the law is deficient. At the heart of it is the need for us to have faith and confidence in our courts.

Hospitals—surgery times

MRS BURKE: My question is to the Minister for Health. I refer to comments by a Canberra surgeon, Dr David Hartman, who stated, amongst other things, that it was possible for him to perform four surgeries at the National Capital Private Hospital in the same time as it took him to do one surgery at the Canberra Hospital. Minister, why is the use of theatres at the Canberra Hospital so inefficient that surgeons are unable to perform surgery to their capacity?

MR CORBELL: Dr Hardman's comments were overly simplistic and I want to address that in the first part of my response to Mrs Burke's question. Dr Hardman has a contractual arrangement with the National Capital Private Hospital, which has a

contractual arrangement with ACT Health to perform a small number of minor surgical procedures. These surgical procedures are mostly to do with the removal of varicose veins in patients, a minor and relatively straightforward procedure and, effectively, a type of day surgery. Dr Hardman also performs complex cardiothoracic surgery in the Canberra Hospital.

The two types of procedures are not the same. If Dr Hardman is comparing the types of procedures he undertakes at the National Capital Private Hospital with the types of procedures he undertakes at the Canberra Hospital, he is not comparing apples with apples and his assertion in that regard, in my view, is simplistic and unfair. I should add that the reason it is simplistic and unfair is that, clearly, more complex procedures take longer than simple procedures and, to put it simply, Dr Hardman is performing simple procedures at the National Capital Private Hospital and more complex and therefore lengthier procedures at the Canberra Hospital. Obviously, he can do more of the less complex procedures at NCPH and can do less of the more complex procedures at the Canberra Hospital.

That said, Mr Speaker, I am already on the record as saying—indeed, on the record before Dr Hardman made his comments—that we need to improve the work practices across the public hospital system, and that includes in the theatres at our public hospitals. The government has put in place the access improvement program to do just that. It is not necessarily about funding additional sessions. It is also about improving work practices to achieve the best level of throughput in the theatres of our public hospitals that we can. The government is doing that work here right now.

The access improvement program was designed to modernise and redesign work practices to achieve less access block and to reduce cancellations of elective surgery to improve the number of people getting the surgery that they need. It is also about ensuring that we utilise our beds more effectively. The government set for itself the target of having 80 per cent of all surgery admissions happening on the day of surgery. That meant that people were not, effectively, waiting in a bed overnight, taking up a bed the day before their surgery. We have now achieved that. Our day of surgery admission rate is over 80 per cent for the first time. Less than 12 months ago it was only 58 per cent. That shows that we are making real gains in improving the effectiveness of our theatres and the effectiveness of bed utilisation in our public hospitals.

Mr Speaker, the criticism from Dr Hardman is unfair and simplistic. The government has a dedicated program in place to address work force efficiency and work practice efficiency across our public hospital system, including in our theatres.

MRS BURKE: I have a supplementary question. Minister, in light of your answer, is it not more the case that the archaic staffing rosters demanded by the unions make it impossible for the theatres at the Canberra Hospital to run efficiently?

MR CORBELL: Mr Speaker, I think that I have already answered that part of the question but, for Mrs Burke's benefit, I will repeat it. I have made the point that work practice needs to be improved and the government has a program to tackle work practice. That is what I said in my earlier answer.

Industrial relations

MS MacDONALD: My question is to the Chief Minister. There has been a great deal of discussion this week about the impact the commonwealth's work choices legislation is already having on the business and industrial landscape across Australia. Can the Chief Minister inform the Assembly of the major changes that are driving this negative impact?

MR STANHOPE: I thank Ms MacDonald for her question. It is important in this first week—

Mrs Dunne: I raise a point of order, Mr Speaker. Would you rule on what part of the Chief Minister's responsibilities he is referring to in answering Ms MacDonald's question, which was very open ended. There was no particular reference in Ms MacDonald's question to any of the Chief Minister's responsibilities. It did not even make reference to the people of Canberra. Would you rule on that?

MS MacDONALD: I would be happy to rephrase the question.

MR SPEAKER: I do not think it needs rephrasing. The question was to the Chief Minister. It was about the effect of work choices in the ACT. As the work choices bill affects ACT residents, I think it is quite open to the Chief Minister to make some comments in relation to the matter.

MR STANHOPE: Thank you, Mr Speaker. Once again we see the discomfort of the Liberal Party in the Assembly in relation to any discussion of work choices. We all know why Mrs Dunne and the Liberal Party are so uncomfortable when it comes to their continuing ownership of the work choices legislation. This is the fourth day of operation of work choices and we see now the lengths to which the Liberal Party in this place is going to distance itself from this draconian legislation which will affect every worker and every family in the ACT. That is why it is so relevant.

It is extremely interesting to see the Pontius Pilate act that is going on now. The opposition are saying, "It is nothing to do with us. Let's not talk about that. Let's not talk about the impact this will have as days go by on every worker and every family"—in other words, every person in the ACT. I am not a bit surprised that you do not want questions on work choices in this place. I am not a bit surprised that you take repetitive points of order and continue to interject as you walk away from your role in, and support of, what will prove to be the most unpopular and, for you, damaging piece of legislation imaginable.

As we focus on the effects and impact of this legislation, it is interesting to focus on what is happening and why it is happening and to go to the specifics. Day by day now in Australia we see the impact of the removal of laws in relation to unfair dismissal. We see it in the ACT at Boral. The peremptory dismissal of workers that started from day one, and which we see repeated here now in the ACT, is essentially a response by employers who have been waiting patiently with particular workers in their sights. They say, "I want to get rid of this worker; he has upset me in the past" or "I find him rude" or "I just don't like him" or "He backs the wrong football team." They say, "Come 27 March

he will be gone." There is no explanation and no justification, just "On your bike, sonny. You're done here."

We will see it. I will be walking away, too, from the party that claims to support the family and the importance of family and the support the family gives. Yesterday we saw the smirking in relation to information provided about the peremptory, unheralded and unannounced sacking of a family man with five kids at home. You smirked. You laughed. You thought he deserved it. You showed no sympathy, no compassion and no thought for the impact on that family with five children. You had no concern at all that a hardworking man with five kids doing an honest job was okay last Friday, but come Monday he was expendable and so were his family.

Do not stand up in this place and cry crocodile tears about how you support the family. You support some families. You have no sympathy and no compassion. You were laughing and smirking that the legislation which you sponsored and which you supported, but which now you are quietly trying to walk away from, has those implications for individual workers and families. It is because the protections and laws and rules against unfair dismissal have been removed.

Of course, it is not just in relation to that. The first and most significant and visible changes will come as a result of the abandonment of laws in relation to unfair dismissal. At the end of the day the more damaging and deeply hurting changes will be those in relation to wages and conditions as workers are forced—

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

MS MacDONALD: I ask a supplementary question. I thank the Chief Minister for attempting to answer the question in spite of the interference. Chief Minister, my supplementary question is: what impact are these changes likely to have on the community?

MR STANHOPE: We know there will be very serious impacts from this legislation. We see it already in the peremptory, unexplained dismissal of workers and the impacts on them. But there will be other impacts as well. There will be impacts in relation to the changing face of negotiation and the way in which industrial action can or cannot be taken.

Mrs Burke: I raise a point of order under standing order 117 (b) (vii), which deals with hypothetical matters. Is not this a hypothetical?

MR SPEAKER: The question asked what impacts there will be on the community.

Mrs Burke: These actions have not yet happened, Mr Speaker.

MR STANHOPE: Yes, they are. The laws are there. The laws are passed.

Mrs Burke: No. The effects on the community have not yet happened. If Ms MacDonald repeats her question, we will see.

Ms MacDonald: On the point of order—

MR SPEAKER: The effect of a law on the community is surely something the Attorney-General can—

Mrs Dunne: On the point of order: that would be providing a legal opinion.

Ms MacDonald: On the point of order, Mr Speaker: you have in this place previously ruled—

MR SPEAKER: Read the question, please.

Ms MacDonald: What impact are these changes likely to have on the community?

Mrs Burke: Likely to have. Under standing order 117—

Mrs Dunne: On the point of order: that is hypothetical.

MR SPEAKER: Yes, it is a hypothetical question.

Ms MacDonald: I can rephrase it, then. What impact are these changes having on the community?

Mrs Burke: No. It is hypothetical.

MR SPEAKER: For the last time: you can rephrase the question. That is fifty-fifty, one each way.

Ms MacDonald: Chief Minister, what impact are these changes having on the community?

MR STANHOPE: There are significant, quite savage impacts on the community, and many have occurred. We see them in relation to decisions that unions and workers will be taking in relation to the long-held right to strike, for instance. The impact now is that if you stop work for 10 minutes or go out on strike or take action for four minutes, you are docked four hours pay. This is classic Orwellian legislation. No matter how long you go out in pursuit of a legitimate workplace objective, you are docked four hours pay!

It is interesting that in the last round of EBA negotiations in this place at some stage some heat developed and the threat of industrial action emanated from the office of the Leader of the Opposition. In the next round of negotiations it will be interesting to see not just the staff of the opposition, but also members of the opposition wandering off to negotiate individual agreements with Mr Smyth. Of course, Liberal Party members and their staff no longer embrace the notion of collective bargaining and will not be involving themselves in the next round of EBA negotiations. It will be fascinating to see Mr Smyth negotiating the basis on which Mr Mulcahy and Mrs Dunne might be employed; if not them, certainly their staff.

I would not mind betting that we will see workplace differentiation. Just imagine Mr Mulcahy and his staff rolling up to Mr Smyth to negotiate the basis on which they will be paid, as opposed, perhaps, to the loyal troops. Mr Stefaniak and Mr Pratt and Mrs Burke will do all right. We will see how keen Mr Mulcahy and Mrs Dunne and Mr Seselja and their staff are in the next round of individual negotiations with Mr Smyth for pay, conditions and staff. During the next round of negotiations in this place it will be fascinating to see how the Liberal Party responds. I might have a thing or two to say about the way in which those negotiations might be conducted and their outcomes as well.

With great respect to Mr Smyth—and I congratulate him and Robyn heartily on the arrival of their child—one of the impacts that we know is a feature of individually negotiated work contracts with women, particularly in the private sector, is that 10 per cent or less of women achieve paid maternity leave. Here, though, with the comfort of a statutory position, office and pay, without any negotiation and an independent arbitrator, the Remuneration Tribunal, Mr Smyth has no difficulty taking a week's paternity leave. That benefit is provided to less than 10 per cent of women through individual work contracts negotiated in the private sector. Less than 10 per cent of women achieve paid maternity leave. Yet in this place we have a statutory office holder on statutory pay just walking out and taking a week's paternity leave.

None of the people in the private sector will be getting those benefits in the future. This is the impact of this legislation. That is what it means. Those that have the benefits will keep taking them; those that do not will get nothing.

Population growth

MRS DUNNE: Mr Speaker, my question is to the Chief Minister. Chief Minister, the latest statistics show that the ACT's population grew by only 0.5 per cent in the 12 months to September last year. That was the slowest growth rate in the nation. It was only one-third of the increase in Tasmania, Queensland and Western Australia. Even Tasmania grows faster than the ACT. What are the main reasons for the ACT being at the bottom of the scale?

MR STANHOPE: It is true that the ACT has been growing at a slower rate than any other place, jurisdictionally, in Australia. It is interesting that Mrs Dunne quotes statistics from Western Australia and Queensland—two boom economies and, in the case of Queensland, where all our parents are choosing to retire, benefiting enormously from its climate. Queensland is experiencing an enormous resources boom, as is Western Australia. Tasmania is also riding very well on the basis of a rejigged economy and a refocus, particularly on tourism. Good luck to them. Queensland has minerals in the ground—that is why it has grown as fast as it has—plus beautiful sunshine and beaches. Western Australia is, I think at this stage, just a couple of percentage points ahead of Queensland in relation to the power of its mineral industry and resources.

Mrs Dunne did not say, of course, that the ACT's rate of growth has picked up over the last year. It has actually doubled—from just over 0.2 per cent to 0.5 per cent. It is the same as both New South Wales and South Australia. To that extent it provides some focus or boundary on the issues around population growth. ACT population growth in

the last quarter was the same as that of New South Wales and South Australia. The growth was still 0.5 per cent, which is well below the national average, but the national average is distorted enormously by the fact that Queensland is growing at more than twice the national average. If you take Queensland out, the figures change dramatically. Population growth in Queensland was, I think, 2.9 per cent against the national average of 1.2 per cent.

It is interesting that one of the difficulties or other significant distortions in comparing population growth around the nation is that some of us have on our border, or immediately across our border in the case of the ACT, significant areas of growth such as Queanbeyan/Jerrabomberra. For the purposes of population measurement it is difficult, and a distortion, to refer to the population growth within the immediate region. As recently as last week following the regional leaders forum I heard Frank Pangallo, the Mayor of Queanbeyan, when discussing water—this is the first time a mayor of Queanbeyan has ever said this; I do not know whether Frank's ears have been burning since—say that, for the purposes of this debate and this issue, Queanbeyan/Jerrabomberra should be regarded as a part of Canberra. I had to listen twice to ensure that I was not mishearing him

Frank Pangallo thinks that way in relation to the distribution of water and I think that way in relation to the counting of the population and population growth. To not count Queanbeyan/Jerrabomberra as part of the growth rate of Canberra in a comparison of growth rates across Australia really distorts growth rate figures and comparisons. Sixty-eight per cent of the people who live in Jerrabomberra work in the ACT and 90 per cent of their kids come to school in the ACT. They all use the Canberra Hospital.

Essentially the point made by Frank Pangallo was that when looking at these issues, count Queanbeyan/Jerrabomberra as part of the ACT. So it is not quite fair to say that we are in the doldrums and there is no growth. To the extent to which the population of Gungahlin has now passed 30,000, three of the suburbs in Gungahlin appear in the latest index of urban growth rates as among the fastest growing areas or suburbs in Australia. That is significant in the context of population growth.

There is an issue, though. That is why next week the ACT government, in partnership with 21 private sector organisations across the board, including universities—not quite the private sector—is to launch a major campaign in Sydney in recognition not so much of population, although it is all linked, but of enormous labour force and skills shortages in the ACT. For the first time ever we will be mounting a major foray into Sydney. That is already receiving enormous interest from Sydney and interstate media. That is a direct response to our acknowledgment that, with the booming economy, particularly in the commercial—

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

MRS DUNNE: Mr Speaker, I have a supplementary question. Chief Minister, why is it that people are moving to Jerrabomberra and Queanbeyan rather than to the ACT?

MR STANHOPE: I do not think people are moving to Jerrabomberra and Queanbeyan rather than the ACT. I do not think it is fair to suggest that there is a headlong rush. Certainly over the past 15 years Jerrabomberra and Queanbeyan have grown steadily.

The population of Queanbeyan/Jerrabomberra is in the order of 30,000. Let us put this in proportion. There are 30,000 people in Queanbeyan or greater Queanbeyan and there are 326,000 people in the ACT, so in that context we are looking at a part of the region which constitutes just on 10 per cent of the population of the region.

In fact, one of my sons went to Jerrabomberra. I castigated him significantly as to the loss of a vote and he challenged me as to the basis on which I assumed he voted for me. I asked him, "What are you going there for?" He said, "I'm going there because my wife's family live in Tuggeranong," and it is in the context of the south-north divide that exists within the ACT. That is a very real divide. For those of us who have lived here forever, there is a geographic divide among many of us as to where we choose to live.

Mr Stefaniak: Some of us can cross it.

MR STANHOPE: Some of us cross back and forth. Bill, of course, can cross back and forth on any issue—he does that regularly—as well as this. It was as simple as that: a desire by my daughter-in-law to live as geographically close as possible to her parents. At that stage, land supply was short and greenfield sites were essentially filling in Tuggeranong. The focus of development in the ACT is in the north. There are significant numbers of people who, for a variety of reasons, wish to live on the south side of the lake rather than on the north side. The opportunities today are not nearly as readily available as they once were or, indeed, in as good a planning sense as one might hope. Of course the coming onto stream of Molonglo will to a great extent have a significant impact on that north-south choice.

Mr Corbell: Mrs Dunne doesn't support that.

MR STANHOPE: I am surprised that Mrs Dunne does not support that.

Mr Corbell: She doesn't want choice on the south side.

MR STANHOPE: No choice on the south side. She wants people to go to Jerrabomberra. There, Mrs Dunne, is a challenge. Support the development of Molonglo and the coming onto stream of Molonglo so we can deal with an issue that affects the decisions some people make about the choice of location for their homes.

Industrial relations

MR GENTLEMAN: My question is to the Minister for Industrial Relations. The Chief Minister has already detailed some of the negative changes introduced by work choices. Can you advise the Assembly whether ACT public servants will be affected by these changes?

MS GALLAGHER: I thank Mr Gentleman for his question.

Government members interjecting—

MS GALLAGHER: I can hear those opposite saying, "No, not more of this; we don't want to listen to this." They are a bit bored with all the questions and debate that we have been having on work choices. But the reality is that this will be one of the most

significant changes on working people's lives in the ACT that we have seen for some time. Members opposite can pooh-pooh this. They can say, "It doesn't matter." It does not affect them and it does not affect their families but it will affect—

Mr Mulcahy: We were just told that it reaches all.

MS GALLAGHER: This is the attitude you are showing. You are saying, "It does not matter to us. We don't care. Stop talking about it." We will continue to talk about it. We will continue to talk about it as the situations are exposed. These laws have been encouraged and allowed to happen. We will keep talking about it while our High Court challenge proceeds. We will keep talking about it as we resolve industrial disputes in a new industrial landscape.

Mr Gentleman has asked how we will deal with our public servants. This is a very real question for us. How do we as a Labor government that has chosen to negotiate what was called section 170LJ agreements—union-employer negotiated agreements—maintain that dialogue and that relationship whilst complying with laws which essentially have been drafted to outlaw that relationship? How we proceed with that is a matter of great concern to the government. We are committed to doing all we can to minimise the impact of the legislation on our own employees, how we deal with them and how we negotiate our agreements with them in the future.

We have already begun discussions with the public sector unions on how this might take place. We are talking about what kind of creative ideas we can look at to ensure that there are agreements in place between the government and the union about how we resolve industrial disputes, how we relate to our employees through their legitimately elected representatives and how we progress all matters industrial over the next few years.

The fact is that work choices, when applied, will apply to ACT public servants. The current enterprise agreements that people operate under will continue even when those agreements include what has now become known as "prohibited content". This is content, of course, that the federal government finds offensive—such scary content as having your union dues deducted by a bank through your employer. What a terribly evil condition that is! A $33,000 fine can be involved if you choose—this is what it is all about: choice—to have your union fees deducted through your payroll by the pay clerk. This is an inherently evil condition that should not be encouraged. The right of entry allowing the union into your workplace is again terribly frightening and must be outlawed.

We want to look at these sorts of conditions. We want to look at how we can ensure that in the ACT we can manage to have cooperative, conducive relationships which are positive and that deliver positive results for the employer. We want to look at how we can continue these relationships despite the fact that they are being outlawed by work choices. We will have to look at how secret individual contracts are applied. In the ACT government we have what we call special employment arrangements which allow for particular agreements to be entered into rather than AWAs, and they will be more attractive now when we need them because of the promise that the no disadvantage test will apply—and, as we know, this will no longer apply under AWAs.

I guess, as the Chief Minister has said, the only upside of the new laws relating to unfair dismissal is that the ACT government will not be required to continue to fund the unfair dismissal claims that are generated by the Liberal opposition. I think last term there were four or five unfair dismissals generated from that side. There were none from the Democrats, none from the Labor Party, none from the Greens but four or five from over there. So we will be forwarding that saving on to the functional review. No longer will we have to fund your mess.

Belconnen to Civic busway

MR SESELJA: My question is to the Minister for Planning. I refer to your announcement of 9 March 2006 that a tunnel will now form the centrepiece for the proposed Belconnen to Civic busway, which is now reported to cost $115 million. Given that the busway was previously expected to cost between $85 million and $150 million, how has the $115 million figure been arrived at? Is this figure conservative? What is the upper range of what the proposed busway is now expected to cost?

MR CORBELL: I thank Mr Seselja for the question. The point that has to be made, unfortunately, again for Mr Seselja—I know it is a simple point, but he keeps missing it—is that the government is doing an analysis of the constraints, costs and benefits of these routes. With this significant engineering task, you need to understand all our decision detail to be able to determine the exact cost.

I know that Mr Seselja was away, but I announced two routes for assessment, both of which involve a degree of tunnelling and/or underpasses, that is, bridges, for this important piece of future public transport provision. Those routes will now be the subject of detailed analysis, including a full environmental impact of both those routes as well as a closer look at the engineering issues around both those routes, so that an appropriate and detailed assessment and cost-benefit assessment can be put before the government at a later date. That is the work we are doing. The government is committed to tracking the issue of climate change in that community and ameliorating the worst impacts of climate change, through encouraging and putting in place infrastructure to encourage people to change the way they undertake some of their journeys in Canberra.

Why is that important? It is important because transport use is the second most significant generator of greenhouse gas emissions in our city. We must take steps to encourage people to consider alternatives to the use of the private motor vehicle for at least some of their journeys if we are to ameliorate the worst elements of climate change and make our contribution, as a city, which is, per capita, a significant generator of greenhouse gas emissions. That is not only in Australian terms, that is in world terms. That is the work that is being undertaken.

The figure of $115 million is the best assessment, based on engineering advice to date. Clearly, more assessment is now being undertaken. That will help inform and refine those assessments and allow the government to consider further the cost and benefit of these projects in terms of potential construction.

MR SESELJA: Minister, is it not true that you made your announcement on 9 March without the knowledge of your cabinet colleagues?

MR CORBELL: No, it is not true at all.

Sport and recreation—Kangaroos agreement

MR MULCAHY: My question is to the Acting Minister for Sport and Recreation, Mr Stanhope. It is my understanding that the agreement between the AFL Kangaroos and the ACT is due for renewal at the end of this year. At a recent meeting of sport and recreation industry representatives at the University of Canberra concerns were raised about the future of a number of national sporting arrangements that are supported by the ACT. In particular, suggestions were made that the ACT government may not renew the agreement with the Kangaroos. Obviously, the discontinuation of the agreement would pose a threat to the Roos' junior development program and to the prospects for Manuka Oval. Minister, will Canberra continue to have an association with the Kangaroos beyond the life of the current agreement?

MR STANHOPE: Indeed and absolutely, it is the government's intention, absolute determination, to ensure that we maintain and retain our relationship with the Kangaroos and the ACT government will do everything that we possibly and feasibly can to ensure that the AFL and the Kangaroos continue to support and build on the fantastic relationship that has been developed over the last three years.

To suggest, as you have in your question, that the ACT government may not be interested or may not persist or pursue that is really to misunderstand the position, I think, in which we find ourselves in terms of some of the media speculation or some of the concern that has been expressed broadly about the prospect of the Kangaroos perhaps not returning to the ACT next year. If that is the case, it will be none of the ACT government's doing and it will be none of the doing or responsibility of the ACTAFL clubs within the ACT or sport generally.

It has to be said that the AFL—not necessarily the Kangaroos as such, but the AFL—have a strategic plan in relation to future development of the game. I think that it has been clearly signalled for some time now that there is a view in Victoria, within the confines of the strategy and policy makers of the AFL, that there would be significant benefit in two teams being fielded in Queensland as well as an additional team in New South Wales. That has created some speculation around the vulnerability of a continued AFL presence in the ACT through the Kangaroos, and similarly for Launceston in relation to Hawthorn. I am hoping that some of those rumours and that speculation are not well placed. Certainly, it is our great hope that those rumours not come to fruition. Certainly, that is not what the ACT government wants.

We are negotiating now. Indeed, senior officers of sport and recreation travelled to Melbourne just last Friday for high-level, senior discussions with the AFL. It was not a negotiating session. It was a session to explore the expectations of the AFL in relation to issues around the renewal of the contract. Let me repeat that it is the ACT government's absolute, firm, committed intention to renegotiate successfully the continuation of the Kangaroos in Canberra. The ACT government has taken no steps, nor will it, to signal that it is not absolutely and fully committed to the continued presence of the Kangaroos at Manuka Oval and within the Canberra scene.

Having said that, I believe that it is important that not just the government continue its negotiations in a positive frame, but indeed that ACTAFL and the Canberra sporting community, particularly those within Aussie Rules, begin to work and think strategically. We need to do that as a region, not just within the confines of the ACT, to ensure that we do everything that we can to support the Kangaroos and to support the game. I know that there is a level of disappointment that projections in relation to the sale of memberships of the Kangaroos that ACTAFL has worked on over the last three years have not come to fruition. I know that this is one of the negotiating points that the ACT will have to respond to when negotiations do commence seriously with the AFL.

One of the issues that the government will be pursuing with sport, with Australian Rules particularly, is the need to continue to develop the game, not just at senior levels but certainly at junior levels, and we need as a community and as a region to meet some of the club's expectations or the AFL's expectations in relation to committed long-term support for the Kangaroos. By that I mean that we need to have more people take up membership of the Kangaroos as an expression of our commitment to this team and to the development of the game in the ACT.

I do not doubt for one minute, Mr Mulcahy, that we do potentially face some challenging negotiations, but not so much with the Kangaroos. I think that the Kangaroos have a real commitment. I believe that perhaps some of the hardheads in the AFL will be looking for a level of commitment in terms of membership, support and development which will challenge us, but it is fundamentally important that we meet the challenge and the government is determined that we do.

MR MULCAHY: I have a supplementary question. Minister, are you committed to maintaining funding to other national sporting teams, such as the Raiders, Brumbies, Capitals, Lakers, Strikers, Eclipse and Knights?

MR STANHOPE: Yes, we are. Indeed, many of the arrangements that we currently have in place are long-term contractual arrangements and the government has absolutely no intention of breaching any of the contractual arrangements it has in place. I could not go through them one by one in terms of the nature of the payments and the contractual arrangements that are in place in relation to the performance payments which we pay to our national teams.

I could not go through them one by one and should not be deemed now to be giving a particular response in relation to each of them, but we have a number of contractual arrangements in place with our national teams in relation to performance—performance agreements—and it is our intention to honour those agreements. I think that in the majority of cases, perhaps indeed in all of the agreements currently in place, they are agreements that were negotiated by this government and it will, of course, honour them. Having said that, I do not know the details of the contractual arrangements in place in relation to all of the teams that you named; but, as a general position, yes, it is our intention to maintain our support.

Building and construction

MS PORTER: Mr Speaker, my question, through you, is to the Minister for Planning. Can you advise the Assembly on how the government has contributed to the ACT's dramatic jump in construction growth in this city, as reported by the Australian Construction Industry Forum and reported in today's *Canberra Times*?

MR CORBELL: I thank Ms Porter for the question. I know that Mrs Dunne hates this bit. That is probably why she is leaving.

The Australian Construction Industry Forum announced yesterday that projected growth in construction in the ACT would jump dramatically in both the short and the long terms. In the short term in the ACT, the Australian Construction Industry Forum has anticipated and measured that they believe we will see a 29.2 per cent increase in construction activity—this from a seven-year historic average of minus 0.4 per cent per annum. The good news about these figures is that they are not just a flash in the pan. The advice from the Construction Industry Forum, which represents major construction peak bodies across the country, is that the long-term outlook for the ACT is also strong, with an 11 per cent per annum growth.

How is the ACT shaping up compared with the Australian average? I know Mrs Dunne was very interested in Australian averages earlier in question time today. Let us look at what the Construction Industry Forum anticipates. For the period 2005 to 2007, the Australian average of growth in construction is going to be, based on their figures, 4.6 per cent. Over the same period, 2005 to 2007, the ACT average will not be 4.6 per cent, 5.6 per cent or even 10.6 per cent but 29.2 per cent.

Over the longer term, the figures are equally as strong. From 2005 to 2010, the Australian average will be 4.2 per cent, but the ACT average per annum will be 14.7 per cent. Between 2005 and 2013, the Australian average will be 4.4 per cent, but the ACT average will be 11 per cent, or double the national average.

These are strong figures for the ACT. They demonstrate real confidence by the building and construction industry here in the ACT in the economy, in the planning system that we have in place, in the planning polices that we have in place and demonstrate their willingness to invest and put buildings on the ground.

We also, as a jurisdiction, top the projections for changes in engineering construction spending, with the ACT projected to increase spending in the period 2005 to 2007 by 17.6 per cent; from 2005 to 2010, by 9.8 per cent; from 2005 to 2013, by 8 per cent. We are seeing real increases in construction activity in building the territory's infrastructure as well as in non-residential building activity. The forum has identified the ACT as "forecast to have the highest construction growth rate of any state in eight years."

Why is this so? The reason for it is that, firstly, the government has put in place a clear planning policy on where it wants development and construction activity to occur in Canberra. That is the first and most important thing we have done: a clear framework for development activity. Secondly, we have released land. Unlike those opposite who released virtually no land for either residential or commercial construction in the ACT,

this government has released the land to make it happen. We have delivered to the market over 7,000 residential dwelling sites and over 84 commercial sites since coming to office. In addition, we have released over six large-scale sites in the city centre. All this is why we are now seeing this construction activity.

What did we see from those opposite for the long period when they were in government? Did we see anything like these construction rates? Did we see anything like these development rates? Did we see anything like the confidence that we are now seeing in construction activity in Canberra? No, we did not. Did we see any land release from those opposite during that time, even when there were high levels of demand in Civic? Did they release land when there were low levels of vacancy in Civic? No, they did not. They protected the high rentals of their existing mates in the property sector in Canberra. That is not this government's approach. These figures endorse the approach of the government.

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

Papers

Mr Stanhope presented the following papers:

> Intergovernmental Agreements—Ministerial level—Negotiations—Schedule.
>
> Australian Capital Tourism Corporation Act, pursuant to subsection 12 (2)—Australian Capital Tourism Corporation—Quarterly report—October to December 2005.

Territory plan–variation No 238
Papers and statement by minister

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): For the information of members, I present the following approval of variation to the territory plan:

> Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 238 to the Territory Plan—Macquarie Hotel Redevelopment, Section 27 Barton, dated 23 March 2006, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

MR CORBELL: Draft variation 238 proposes to change the land use policy for the Macquarie Hotel site to residential land use policy with a B16 area specific overlay. Twenty-eight written submissions were received during the period of public consultation. Sixteen of these were form letters distributed to residents in the Barton residential area by a concerned resident.

The issues raised in the submissions related mainly to height controls, density and scale of the proposed development, traffic and parking, noise, landscaping, heritage issues and community consultation. The ACT Planning and Land Authority has offered the following responses to submissions. A height limit of AHD 599.0 has been imposed to match the ridgeline of the R G Casey Building, also known as the foreign affairs building. An increase in floor area greater than 7,000 square metres over the GFA of the building it replaces will require a preliminary assessment to be undertaken to evaluate the environmental, social and economic impacts of the developments on the site. The community has further opportunity for comment at that time.

The scale of development will vary across the site and the detailed assessment stage will have regard to the scale of adjacent development. Traffic management measures will be introduced in Macquarie Street and Bourke Street to minimise traffic congestion and restrict long-stay parking. It is not expected that traffic generated by the development will be significantly increased compared with traffic levels previously generated by the Macquarie Hotel. A landscape master plan will be required to be submitted with a development application for approval.

The site is not subject to a heritage citation. However, the scale of the development and sympathetic architecture will respect the neighbouring heritage precincts. The proponent has undertaken community consultation in two stages, the first of which was a series of face-to-face individual meetings with residents living adjacent to the site and a community information session. The planning authority has also undertaken extensive consultation on the draft variation. The community will have further opportunities to comment when detailed development applications are brought forward.

The Standing Committee on Planning and Environment made a number of recommendations on this variation. The first recommendation was that the variation should proceed. The second was that the Chief Minister or the Minister for Urban Services ensure that relevant parking policy officers in their respective departments support, in broad terms, the introduction of paid parking and/or other traffic reduction measures in Barton, Parkes and Forrest during consultations and negotiations with the National Capital Authority on this issue and that the ACT government introduces pay parking and/or other traffic reduction measures for those parts of these areas for which it has responsibility.

The Department of Urban Services has advised that the introduction of pay parking and other traffic reduction measures in Barton is supported and that it will continue to work closely with the National Capital Authority, the land manager in Barton, in the development of appropriate parking and traffic strategies.

The committee recommends that the authority encourage the demonstration and promotion of sustainability features for this complex, including the application of water sensitive urban design principles; that the authority encourages the proponent to consider the use of water saving measures and to plant drought tolerant native species on section 27, wherever possible, subject to heritage constraints; that the authority requires that all buildings be constructed to meet the criteria set out in the Australian Standard AS2107, *Recommended Design Sound Levels and Reverberation Times for Building Interiors*, and Australian Standard 3671, *Acoustics—road traffic noise—Building Siting and*

Construction and, finally, that the authority requires noise abatement conditions to be applied, including the submission of a noise management plan covering the construction and ongoing operational aspects of the development. These recommendations are all design related issues and will be addressed as part of the future development application consideration for the site.

The last recommendation included obtaining advice pertaining to restrictions on roof plant and minor building elements, the number of storeys and the height of the buildings fronting the internal road. The final variation document has been revised to permit buildings fronting Sydney Avenue to extend to a height of AHD 599, excluding rooftop plant and lift overruns. I commend the variation to the Assembly.

Territory plan—variation No 165
Papers and statement by minister

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): For the information of members, I present the following approval of variation to the territory plan:

> Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 165 to the Territory Plan—Open space network project, dated 23 March 2006, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

MR CORBELL: Mr Speaker, the Labor government made a commitment to identify and protect Canberra's open space network. The ACT Planning and Land Authority undertook this work through the open space network project. The 2001 election commitment was to create a new open space network and was outlined in "Planning for people: Labor's planning and land management policy for Canberra". The policy states:

> Labor will establish an integrated Canberra open space network for our city ... A Stanhope government will identify and classify Canberra's open space network in consultation with the community and the National Capital Authority. Labor wants to stop these areas of land from ever becoming the targets of the Liberals' revenue-driven urban infill plans. These areas are not a land bank. They are areas of public land to be used and enjoyed by the community.

Canberra's open space network has helped give the city its image as the garden city capital of Australia and is an important element of the city structure. The formal open space network is generally unleased territory land identified by the territory plan as urban open space. It includes a planned network consisting of pedestrian ways, sports grounds, parks and some other landscaped spaces. The network also provides opportunities for active and passive recreation, enables the protection of natural and cultural features, maintains and enhances amenity and can also perform a stormwater drainage and minor public utilities function.

Draft variation 165 proposes to implement the outcomes of the open space network project which identified a number of areas that appear to be part of the formal open space network but are not identified by the territory plan as being urban open space. This includes providing statutory protection for school ovals and playing fields, removing the X overlay to include open space in public land and identifying additional sites to be added to the urban open space land use policy.

This variation was released for public comment on 23 July 2004, with comments closing on 3 September 2004. A total of 22 written submissions were received during that period and a number of minor revisions were made to the variation as a result of the consultation process.

In its report No 18 of November 2005, the Standing Committee on Planning and Environment made three recommendations in relation to the draft variation. The committee's first recommendation was that the proposed variation should proceed subject to recommendations. The second recommendation was that planning reform address landscaping and open space requirements in commercial land use policy areas. This recommendation will be considered by the planning authority as part of our territory plan review process. The committee's final recommendation was that the land use policies applicable to Percival Hill, Nicholls, Sterling Park, Yarralumla, section 51 Aranda and part of Section 78 Griffith be reviewed.

As the blocks in Griffith have previously been identified by the neighbourhood planning process for other community uses, it is not considered appropriate to add them to the open space network. Sterling Park is reserved as national capital use under the national capital plan. Therefore the committee's recommendations of a public land overlay on the territory plan would not be appropriate. Percival Hill and section 51 Aranda are within the hills, ridges and buffers land use policy and will have a PC nature reserve overlay applied to clarify their public land status. The final variation has been changed to reflect this.

This variation represents a significant achievement on the part of this government to analyse and confirm a large number of important sites throughout Canberra as open space. In total, of the 300 sites investigated, around 134 will gain additional protection from being designated as urban open space, hills, ridges and buffers. Seventy-six ACT government schools will gain additional protection and 59 sites around commercial centres gain recognition for their importance as public spaces.

This variation delivers on the government's commitment to identify and protect the unique open space network that contributes so strongly to Canberra's intrinsic character. It is with great pride that I commend this variation to the Assembly.

Papers

Mr Corbell presented the following papers:

> Road Transport (General) Act, pursuant to section 216—Nominal Defendant (Australian Capital Territory)—Annual report 2005, dated 7 March 2006.

Annual Reports (Government Agencies) Act, pursuant to section 13—Canberra Institute of Technology—Annual report 2005, dated March 2006.

Community policing at shopping centre precincts
Discussion of matter of public importance

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

The state of community policing at shopping centre precincts in the ACT.

MR PRATT (Brindabella) (3.56): Today I have written to the minister about recent incidents in a number of shopping centres, particularly the Red Hill shopping centre, and I want to talk to the Assembly about that issue. Recent incidents at Red Hill shops involving armed assault, robbery and affray and serious break-ins and robberies at the Gartside Street shopping precinct at Erindale have caused me to investigate the situations in these places and the adjacent suburban areas. During my investigation, claims of crime, intimidation and vandalism have been put to me by various residents and shop owners. Today I wish to present these claims, concerns and the general situation in these particular areas to the Assembly and to the government.

The community safety themes addressed here are relevant to shopping centre security in general and apply in varying degrees to many ACT shopping centre precincts around the ACT. At the outset I wish to state that I suspect that, for a variety of reasons, a significant minority of the incidents that I will be referring to today may not have been reported to police. In some cases people are not sure whether the second-hand information they have has resulted in a formal complaint to police. Therefore, in fairness to the police, I stress that we are not concerned that some of these incidents have not been acted upon. In some cases, though, we do know that some of these incidents have not been reported because shopkeepers are saying, "Well, they are at such a low level, I am wasting my time reporting them."

The Red Hill investigation appears against the background of the continual campaign of the opposition's shadow minister for housing, Mrs Jacqui Burke, to fix the wide-ranging problems at the Red Hill public housing complex. There is clearly a strong correlation between the situation at the housing complex and crime in the immediate area, specifically the shops. I have door-knocked in the area. I have had meetings with the shop owners. They have all had long-term connections with the development and growth of business in the area and they are all deeply concerned about the deterioration in security.

They all acknowledge that the police responded quickly and professionally to the highly dangerous knife situation on 10 March 2006. It is a good thing that they did. It must be said, though, that, despite repeated police visits to the Red Hill public housing complex to attend to reportedly a range of serious and violent issues, their absence from the Red Hill shops has clearly created a vacuum whereby vandalism, serious property damage, low level crime and intimidation have now escalated to serious and dangerous

assaults in those shops and in nearby streets. This situation repeats the level of crime, intimidation and vandalism in other shopping centres.

I must say that I have been deeply dismayed by the reports to me by local residents and shopkeepers about the lack of safety in the Red Hill shops precinct. This includes adjacent suburban streets and the public housing complex, where the majority of good citizens are intimidated, disrupted and attacked by a significant violent minority. From collecting petition signatures and talking to residents over the last couple of weeks, it is clear that there exists a disturbing community safety and law problem in the southern Red Hill area. The shadow minister for housing has already presented some 400 signatures from shop owners and residents to the government about these concerns.

I am further dismayed, as is my colleague Mrs Burke, over the lack of action in dealing with the long outstanding depressing situation hanging over the Red Hill public housing complex. It is causing much misery to the residents therein as well as to shopkeepers, whose lives are now potentially at risk and whose businesses are suffering significantly. As well, the residents in the surrounding streets are subject to intimidation and violent attacks and their property is subject to repeated burglary.

I now list a sample of the issues reported to me. The police have acted on some of them or may be intending to follow up on them; others are doubtful. I stress that some of these will not have been reported to police and I have outlined why perhaps that is so. A copy of this list will be forwarded concurrently to the minister, and I would like to send a copy to the Chief Police Officer in the hope that further follow up action can be taken.

Let us have a look at some of these incidents. Over a seven-week period in mid-2005 windows at the Maleganeas supermarket were repeatedly broken. The entire wall on one side is now boarded up and the supermarket's insurance cover is deeply degraded but, despite repeated reports to police, no charges have been laid. Since 2004 the incidence of shoplifting has increased, involving known repeat offenders. On 10 March 2006 there was a knife assault and hold-up. There was a very good police response. The emergency was well handed and the residents were most grateful. However, as at 18 March 2006, there has still not been feedback from police on the progress of the investigation or whether or not the offender had been charged, held on charge or released back into the Red Hill community. That is the sort of community feedback that police ought to be giving residents and shopkeepers so that they know what is actually going on.

The coffee shop had a number of break-ins through 2005. Again, there has been no feedback from police about progress or whether or not investigations have been carried out. There have been repeated incidents of harassment of patrons inside and outside the coffee shop by people who live close by. The coffee shop's outside dining hours have had to be severely restricted because of this harassment. Again at the coffee shop, there have been repeated incidents of car wheels and tyres being rolled at dangerous speeds down the hill from the flats area, impacting on the front of the shop and the adjacent public square.

There are repeated reports by elderly residents from Morling Lodge and St David's Retirement Village of being harassed outside the post office and outside the supermarket by young teenagers and younger children asking for money. That harassment is now occurring in the streets.

In early March 2006 there was an early morning knife assault on the grandson of a man who owns many of the shops in the area. The young man was held up at knifepoint and had his mobile phone stolen. A description of the assailant was given to police. Again, as at 18 March, no progress report has given to the family by the police. I am also advised that the description of that assailant, except for his long hair, fits the description of the knife assault and hold-up of 10 March 2006 in the supermarket itself.

I will now go to the Erindale shops in Gartside Street. As mentioned previously, the proximity of the Red Hill public housing complex to the Red Hill shopping centre is unique to that area. However, shop owners everywhere feel that some groups in disadvantaged communities present their own social challenges that can impact on shopping centre and suburban residential security. Clearly a whole-of-government approach, including the need to seriously engage with parents of recidivist youth offenders, is necessary.

This is not just a police issue; it is a broader social issue. But it is the police and it is the shopkeepers who have to pick up the pieces. The Erindale shops, like many centres, are facing up to continued break-ins or attempted break-ins. Youth intimidation of elderly shoppers is also present there. Levels of vandalism of shops and vehicles at the Erindale shops in Gartside Street are similar to those at Red Hill. The most recent incidents have pushed shop owners to outrage and frustration. The boldness of the serial smash and grab raids in recent weeks has confirmed the feeling by shop owners that the lack of a police presence has created a vacuum into which emboldened criminals have stepped.

I will give a couple of examples of the incidents faced there. At Lucky's Asian grocery shop there have been many incidents of intimidation and many attempted break-ins. There have been numerous incidents of break-ins and vandalism at Swimart. Shop owners are now unable to guarantee insurance coverage due to the volume of claims.

There have been delays in police response times. The owner first reported a recent break-in at 5.00 am. Upon arrival at the shop he found windows broken and items stolen. He called the police again at 8.45 am. The police finally attended at 9 am, allegedly due to only one patrol being available within the Tuggeranong Valley that night.

There have been break-ins and vandalism at the Turkish restaurant. Patrons and management suffer constant intimidation by unruly youth. The mechanical workshop close by, the bottle shop, Dominos and the Thai restaurant experience regular break-ins or attempted break-ins, vandalism and theft.

At midnight on Friday, 24 March two carloads of drunken youths, who by the way knew each other, engaged in a melee outside the Mobil petrol station. They then turned on customers, driving all customers away from the petrol station. The real estate agent at Erindale says he has never seen police patrolling the area and acting proactively. He has not seen a police officer on the beat for a very, very long time. That is a concern.

While a number of shopping centres with more problems than others come to mind, such as Calwell, Charnwood and Monash shops, I just want to single out Richardson shops as a centre that I feel is under regular threat. I regret to say that the Richardson shops have a similar, perhaps even greater, criminal problem in their precinct than Red Hill shops. I

regret to say that, according to the local shopkeepers and the police as well, the problems at Richardson can be sheeted home to a minority of the nearby public housing complex.

The shopkeepers know most of the offenders and the antagonists. They have pointed out their identities to police in the past and now wonder why the same young offenders reappear to behave badly and seemingly with impunity. We are talking about regularly broken windows. The supermarket is boarded up. We are talking about brazen daylight shoplifting where the shoplifters say to the proprietor of a bakery, "I am taking these drink bottles out of your front fridge. Try and stop me."

The shopkeeper said that the police do try and respond to calls when shopkeepers make them, but they rarely make it in time. They do not believe that they make many arrests. More importantly, they report that police never patrol the area proactively. On the back of the recent reported vandalism and then suspicious fire at Richardson primary school, I believe that we all need to be deeply concerned about this particular precinct.

These are serious issues of crime in our community. Much of the crime is low-level, such as acts of social disorder, vandalism and intimidation. However, these acts are not always reflected in statistics. The police minister flaps on about statistics, but these figures in fact reflect poorly on the government's record of preventing crime.

Figures from the ACT criminal justice statistical profile for the September 2005 quarter show the poor performance of the Stanhope government since it came to power. Mr Hargreaves would have the Assembly believe that we have recorded double-digit reduction in crime. I do not believe that statement is fully supported by the facts. When the Liberals were last in government the total number of reported offences, excluding drugs and trafficking, for the last quarter of their last year was 10,188. For the September quarter of 2005, the same correlation, the total number of offences, excluding drugs and trafficking, was 10,376. That is clearly an increase in reported crime.

Let me outline some of those statistics. The first is a positive sign. In December 2001 there were 4,160 thefts and related offences compared with 4,044 September 2005—a 2.7 per cent reduction. That is not a double-digit reduction, as the minister would have us believe, but a reduction nevertheless. However, this is in contrast to many other crime stats. For the December 2001 quarter there were 1,261 burglaries and break and enters reported compared with 1,473 for the September quarter 2005. Burglaries and breaks and enters have actually increased by 16.8 per cent under Labor. Mr Hargreaves has the double-digit right, but it is an increase. It is an increase, not a decrease.

In December 2001, 1,762 property damage and environmental offences were reported. This compares with 2,305 in September 2005. This is an enormous 30 per cent increase. The level of criminal offences recorded has gone up under the Stanhope Labor government. The Chief Minister himself presents this information to the Assembly on a quarterly basis.

In conclusion, I raise these matters here today to alert the government and members of the Assembly to what the shopkeepers, their patrons and local residents have told Mrs Burke and me about the crime situation in these shopping precincts and adjacent suburban areas. This report today is the result of many, many interviews, with notes

taken, and letters received. That information was then complied and put into a letter that I have today submitted to the government.

I accept that a significant number of the incidents I am reporting may not have been reported to police. We are not complaining that police have not acted upon those. But we are saying that the combination of incidents reported and those that I am describing now detail an environment of insufficient police presence to deter crime. Clearly it is an environment that the police need to do something about, and the police need all the support the government can give them.

MR SPEAKER: The member's time has expired.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (4.11): On behalf of Mr Hargreaves, I am pleased to take part in this discussion this afternoon. Mr Pratt's matter of public importance focuses on the state of community policing in shopping centre precincts in the ACT. If you listened for long enough to the way Mr Pratt carries on in this place with overblown and inflated allegations about community safety in Canberra, you would think that we were living in the middle of New York in the 1980s.

I think it is appropriate that we put some context and some realism into the hyperbole that we hear all too often from Mr Pratt. He is only interested in scaring people. He is only interested in making people feel unsafe in their own homes. He is only interested in beating the law and order drum for his own political benefit.

Let us turn to the matter of community policing at shopping centre precincts. Shopping centres obviously are a natural hub for business activity and, as a result, social interaction across all levels of the community. Any place where people congregate in large numbers, such as suburban or town centre shopping areas, can unfortunately become a focus for crime and antisocial behaviour at various times. Canberra is no different from any other city in this context. The subsequent concentration of some types of crime in these areas can give rise to a false impression about the level of crime overall in Canberra, and this is the point that I am seeking to make. Mr Pratt seeks to make a false impression about the overall level of criminal activity in Canberra.

The fact is that Canberra remains one of Australia's safest cities. Crime rates in the ACT have decreased since 2001. From the year 2000-01 to the year 2004-05 the following reductions in reported crime have occurred. Overall offences against the person have decreased by 11.5 per cent. Overall offences against property have decreased by 27.8 per cent. Total offences have decreased by 20.9 per cent. Those are the statistics, Mr Speaker. I do not know what Mr Pratt is referring to. These are the figures issued by the Australian Federal Police.

Naturally these figures are still little consolation to those who have become victims of crime, particularly where that crime has impacted on their livelihood, as is sometimes the case with small business operators. It is for this reason that ACT Policing attaches a high priority to responding effectively to crime and antisocial behaviour and proactively building closer ties with the community. ACT Policing employs an intelligence-led policing approach—something Mr Pratt could learn from—in which police patrols target

areas identified by reports on a priority basis. This applies to all aspects of policing, including residential areas, on our roads and in public places such as the shops.

Over the past year ACT Policing has adopted a number of new strategies to increase the visibility of police on Canberra's streets, engaging more closely with the community, improving their responsiveness and targeting known "hot spots". But one message that members really need to understand in this debate is that, just because you do not see the police, it does not mean they are not doing something or that they are not focusing on these issues and not addressing them. Just because you do not see them walking the beat every day does not mean that they are not targeting crime in known hot spots.

For example, over recent months members of ACT Policing's Operation Halite have undertaken saturation policing operations in Canberra's inner north and Red Hill shopping precincts. These operations have involved police members being visibly present in the suburbs, obtaining intelligence and disrupting criminal and antisocial activities. It has also involved police members meeting with shop owners and other business operators in the suburbs to discuss concerns and obtain information on criminal activity. That is a marked difference from the picture that those opposite paint. Similar operations have been, and will continue to be, conducted in other suburbs as needs are identified by an ACT Police intelligence-led approach.

From November 2005 to February 2006 ACT Policing's regional proactive team also made a major contribution to policing of shopping precincts, particularly in relation to popular nightspots such as Civic, Braddon, Kingston and Manuka. The regional proactive team was tasked, among other duties, with saturation and high visibility patrolling of district shopping centres, bus interchanges and nightclub precincts. The public profile of this team has drawn many positive comments from members of the public who have approached police members within district shopping centres and complimented them on their duties. Again, that is a marked difference from the picture painted by Mr Pratt and members of the opposition in this debate.

Patrols are also undertaken by members in plain clothes to gather information on offenders and other valuable intelligence. ACT Policing has also established relationships with the management of shopkeepers of major town centre shopping malls and regularly conducts foot patrols at the centres and surrounding areas such as car parks. It is simply unfair to expect the police to be there in every location 24 hours of the day, seven days of the week, but this would appear to be the unrealistic expectation of Mr Pratt and those opposite.

Ongoing liaison between ACT Policing and shopkeepers and business operators is also occurring across the ACT, with notable initiatives undertaken in Civic by the City Beat team as well as teams in Tuggeranong, Woden and Belconnen. All of these initiatives involve regular consultation between police and local businesses to share information, to develop strategies and build cooperation. Police have also taken opportunities to address staff of major centres on security and crime prevention issues.

While ACT Policing is undertaking all of these activities to help provide a safe and secure environment for the ACT community, the fact is that policing is ideally conducted as a partnership between law enforcement agencies, other government agencies, businesses and members of the community. ACT Policing works closely with ACT

government agencies to identify emerging issues and to develop whole-of-government approaches. These approaches are diverse and can involve community support in early intervention programs, urban environmental design considerations for public spaces, support for victims of crime and sharing of information on problem areas or hotspots.

The ACT's Crime Partnership Group is another good example of the broad cooperation between law enforcement, other government agencies and businesses. The group includes representatives from ACT Policing, a broad cross-section of ACT agencies, representatives from the insurance industry, public transport providers and even the ACT and Region Chamber of Commerce and Industry.

There are, of course, many things that business operators and other private citizens can do to assist in reducing the level of crime and assisting police in apprehending those who commit offences. Firstly, it is vital that business owners in particular avail themselves of crime prevention advice. Good advice on reducing the risk of becoming a victim of crime is available from the police, government agencies and business organisations. Businesses need to take appropriate measures to secure their premises, goods and cash holdings and certainly report suspicious activity and crime to police. It is important to remember that police can only respond to issues that are reported to them. Business operators, shoppers and others concerned about potentially criminal activities or antisocial behaviour at local shops should report these matters to the police at all times.

There are a number of other avenues for reporting matters to the police. Of course, urgent and life-threatening matters should always be reported by calling 000. Police attendance at non-urgent matters can be arranged by calling 131 444. Alternatively, if people want to maintain anonymity, there is also the opportunity to report crimes to Crime Stoppers. Where appropriate and more convenient, reports can also be made to the police at any of the ACT's five police stations or at the City Beat shopfront.

All of these things highlight the importance of a partnership between the community, business owners and the police when it comes to addressing and tackling crime and antisocial behaviour. This is not to say that crime does not happen in the ACT. Clearly it does. But the ACT remains one of the safest cities in the country and we have seen massive reductions in personal and property crime since this government came to office in the 2000-01 financial year.

People who have become victims of crime also have important opportunities and rights available to them. These include services through victim liaison services that can help victims in accessing support at a difficult time, helping them to rebuild their confidence and prevent revictimisation by rethinking personal or business security.

When provided with timely and accurate information about crime and antisocial behaviour, police can then assess and respond to it in accordance with established priorities. The type of cooperation between police and the community, along with the innovative approaches to policing public places being adopted by ACT Policing, is the best way to ensure our shopping precincts are safe and secure places for business operators, shoppers and other users.

Places where people congregate in numbers such as suburban or town centre shopping centres can at times become a focus of crime and antisocial behaviour. However, with

cooperation between police and the community and with timely and accurate reporting of crime and a sensible adoption of crime prevention strategies, they can also maintain their important role as a community hub and a focus for community life.

It is all too easy to assert that crime occurs and what a terrible and horrible thing it is. Any incident, of course, is a matter of great concern and much regret for those people who have suffered it, as well as those who hear about it and seek to assist. The police at all times respond in as timely and responsive a way as possible to address concerns and to address reports of crime or antisocial behaviour. But it is wrong of Mr Pratt and those opposite to try to create the impression that there is a crime wave in the ACT. It is simply not the case.

The figures from the police do not support the assertions made by those opposite. It is cheap and tawdry politics to make the claim that crime is rampant and out of control in Canberra when overall offences against people and property have decreased by over 20 per cent, or nearly a quarter, since this government was first elected in 2001.

MR STEFANIAK (Ginninderra) (4.24): Firstly, on the last point made by Mr Corbell, Mr Pratt has already given some figures from the ACT criminal justice statistics profile for the September quarter of last year. I think it is a complete furphy for the minister to say that crime has dropped by 20 per cent. As was said, in the last quarter of the former Liberal government, December 2001, the offences totalled 10,188. For the last lot of statistics, the September 2005 quarter, the figure was 10,376. That is a slight increase; it is not a 20 per cent drop.

There may be, Mr Corbell, a drop if you go back to the December figure, which was about 12,500 as opposed to 10,376, but a few things happened then. There was Operation Halite and there was Operation Anchorage. There were also significant changes to the Bail Act which certainly brought about a very significant drop in the number of recidivists reoffending. It is interesting that, unfortunately, the total number of offences has gone up from 8,547 in the March quarter of last year to 10,376.

No, we are not like New York and we are not like some other parts of Australia, but there are worrying figures. It certainly worries me when I get complaints about what is occurring at shopping centres, especially from elderly people and from shopkeepers who try their best and do take all the steps to be sensible in terms of their businesses, yet still have problems. I will give an example of what happened at Charnwood recently.

I commend the police, as does the newsagent, on coming out to assist with about five break-ins he had in the space of three months, one of which was quite spectacular and which had never been seen before in the territory; that is, 41 mailboxes being just ripped out and their contents being taken away and strewn around some of the back streets of Charnwood. The police came out from Civic because there were not enough cars and enough police available from Belconnen. Yes, they got there as soon as they could, but they had had to come from elsewhere in Canberra. In other instances, they were unable to come.

In a more recent incident in the computer shop there some young hoons were hassling customers and really making a distinct nuisance of themselves. Again, the police had immense difficulty in getting there because of other jobs and a sheer lack of numbers.

They could not arrive there until 1½ hours later. By that time the hoons had left. In that instance, the owner had to ring up a couple of mates and get them to come down to stop potentially violent situations occurring with his customers. Luckily, no one was hurt, but it was quite scary for the people there.

The police want to do their job. They want to have the resources to do it. They want to be able to get out there and actually protect the community. I will come to a few things that the government can do there. Mr Pratt rightly rails against the government's incompetence in terms of providing the necessary resources for policing. The most fundamental role of any government is to protect the security of its citizens as best it can. That does mean having a well-resourced police force that is able to do the job, with the necessary backup from a legislature such as this one.

In terms of resourcing, in 1980 Canberra had about 200,000 people and Woden had five police cars available for a much smaller area. Incidentally, it had about the same number of sworn police, uniformed police, as it has now. There are now only two and there are about 120,000 or 130,000 people more than there were 25 years ago. The resourcing for policing certainly has not kept going with the size of the territory and that in itself is a problem. The police do need backup. I said that the legislature can help. The police need backup when they go to court, and that simply is not happening

There is something that this legislature can do. It can give police the powers they need to do their job properly. Perhaps it should recreate some of the offences that used to be there when we had the old summary offences ordinance, which would at least give police the knowledge that they are backed by their Assembly, that they are backed by the elected representatives of the ACT to do their job properly.

It does concern me when I hear of three members of the city beat squad being pelted with ice, having drunken hoons swear at them and abuse them and being unable to do anything. In terms of legislative backup, all they have these days is a very broad offence of offensive behaviour, and that has been truncated by various decisions not only here but also in the New South Wales courts, which certainly has not helped police. You might like to back up your police by having a few additional offences, such as ones for swearing and abusive language in a public place and perhaps for fighting in a public place.

I know that my committee, the legal affairs committee, had an inquiry—I think it was the Taser inquiry—that actually got into police powers for crowd control and move-on powers were mentioned. I always take great pride in having introduced those powers, but that happened as a result of a committee inquiry and they were watered down somewhat more than they should be. Initially, they were based on the South Australian powers.

The police started to talk about the need to improve those so that they could assist them. They are of some assistance, but they need refining and they need toughening up. The minister shut them down pretty quickly there. All right, he had a right to do that, but I think it shows an attitude of not wanting to back up the police by giving them the tools to do the trade in terms of resourcing and the sensible legislative backup they need from this place so that they can arrest people and take them to court. We cannot interfere too much in how the courts operate, but we can give suggestions, directions, additional

powers to assist police to do their job, which the courts actually have to act on because they are the laws of the land. There is a lot more that can happen there.

One other thing that really concerns police in terms of their street role in dealing with the antisocial elements around shopping centres and Civic, Manuka and places like that as well is the fact that anyone can make a malicious complaint falsely against the police and nothing will happen. There is no deterrent against any ratbag out there complaining against police on totally spurious grounds. What I think we need there is a simple offence. That is something either the attorney or the police minister, I do not care who, could provide. If they really want to back up their police, they should make it an offence to make malicious complaints falsely against police. I think we have similar things elsewhere. The fine does not have to be huge. I think that it is usually 50 penalty units and/or six months imprisonment—something like that. I would encourage the government to do that.

Mr Corbell: I take a point of order. Mr Stefaniak is not focusing his comments on the matter before the Assembly for discussion; that is, the state of community policing of shopping centre precincts. Mr Stefaniak is making much broader comments about police powers. Whilst you would think that that is at least in some degree relevant, I think that it is nevertheless important that he confine his comments to the issue of community policing of shopping centre precincts. That is what Mr Stefaniak should be addressing in speaking to this MPI this afternoon.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Dunne): I think that Mr Stefaniak is addressing the broader issues around community policing and I am sure that he is mindful of the actual wording of the matter of public importance.

MR STEFANIAK: I certainly am. I notice that the minister is getting tetchy. I will conclude my comments on that because I want to read out a letter in relation to the Red Hill shops from a 75-year-old woman who is encouraging the government to back the police force and give its members the necessary powers to do the job, including the thing in relation to malicious complaints about police which I mentioned. It was very sad to get the following letter, dated 17 March 2006:

> My husband is 80 years old and I am 75. He has had a knee replacement and two detached retinas in his eyes and he has allergies. We have lived in Red Hill since 1961.

She talks about horror trips on the bus from Dalrymple Street to Woden, aggressive behaviour there, before going back to the issue at hand in relation to her local shops. She says she is too scared to catch the bus. The letter continues:

> I have been attacked when out alone just going for a walk. Now I always carry an umbrella. We are scared to open our front door. We have had strangers on our property, the backyard and in our laundry. There is a lane beside our house. As for the Red Hill shops, well, we have seen people from the flats helping themselves and not paying as they left the IGA shop. We just stay at home as much as possible and our daughter helps us when she can. Since the last episodes at the Red Hill shops, we keep away from that area altogether. We feel like we are living in a prison. I am ashamed. I worry about all the shopkeepers. How must they feel? And the Red Hill Primary and St Bede's schoolchildren. For heaven's sake, do something. Please help us.

That plea is from a 75-year-old woman. I think it behoves the government to try to do something to help us. Back your police force and see if you can decrease the number of incidents around suburban shopping centres.

DR FOSKEY (Molonglo) (4.34): I thank Mr Pratt for the MPI he has put before us today. I do share many of the concerns raised by the opposition. However, I suspect that my comments will not entirely satisfy either the government or the opposition.

We have had concerns for some time about whether community policing is adequately resourced. I am sure that we have had before us today some very valid examples of the experience of that on the ground. I think that the key issue in any discussion about community policing is trust. That means trust in our police force, and that goes back to trust in our government.

The 2004-05 ACT Policing annual report shows that the community's trust in the police is falling. Yet, because the figures are still above the national average, the ACT government has had the gall to describe the figures in the police annual report as encouraging. It appears that the ACT government is taking an approach that allows the community to become disgruntled about policing just so long as the disgruntledness stays above the national average. I would not call that an encouraging approach. It is one symptom of an overriding focus on public relations spin accompanying any information regarding policing matters that seems to be becoming entrenched under the current minister for police, who, sadly, is absent today.

The issue of public trust also arises when we consider how the ACT government and ACT Policing report against complaints. When the police minister announced that there were only four substantiated complaints against ACT Policing, he did not mention that there were up to a couple of hundred other complaints against the police which were found to be justified but were semantically defined out of the figures. Whilst most of the other complaints were less serious than the select group of complaints that qualified as being able to be substantiated, some were even more serious and some of them even went off to the courts for resolution.

Of the 246 complaints that were successfully conciliated, the Ombudsman reported that many complaints are effectively resolved with the complainant receiving an explanation of police powers and reasons for priorities or acknowledgment of a minor mistake by a member. When there is an acknowledgment of a mistake by a police officer, any normal, reasonable person would expect the corresponding complaint to be substantiated. No wonder people are losing confidence in the police.

Mr Corbell: I take a point of order, Madam Temporary Deputy Speaker. Again, I draw your attention to relevance. This is not a debate about broader policing issues; it is about community policing in Canberra shopping centres. Dr Foskey is simply going on about complaints against police and resolution of those complaints. That has nothing to do with the matter at hand, the state of community policing at shopping centre precincts in the ACT. Whilst the government accepts that there are broader issues about police relationships with the community which are relevant to this matter, I think members do need to try to contain themselves to the matter of the state of community policing at

shopping centre precincts, rather than using the debate as an opportunity to discuss any issue they like as long as the word "police" is mentioned in it.

DR FOSKEY: Trust, Mr Corbell; that is the point I am making.

MADAM TEMPORARY DEPUTY SPEAKER: Dr Foskey, if you do not mind, I would like to rule on the point of order. The minister does make a point about the terms of the matter of public importance, which is about community policing. Dr Foskey, confine your comments as much as possible to the terms of the matter of public importance.

DR FOSKEY: As I said, I am talking about trust in community policing and how it works, and you will probably see what I am getting at. I do not think that the opposition shines with virtue on this matter, either. I refer to the terminology that Mr Pratt uses in his media releases and statements about this subject. I must say that they were somewhat ameliorated in his actual address. He makes strong references to public housing complexes and hooligan behaviour. It does sound like he is targeting the young and the poor in his media portrayal because, of course, this is the most obvious crime. This is crime that is visible. But this targeting of the poor does not help us build an inclusive society where crime is less likely to happen.

Mr Gentleman: Hear, hear!

DR FOSKEY: It makes many people feel alienated and angry. I do echo Mr Pratt's call about ensuring that the ACT Policing unit of the AFP is adequately resourced to undertake community policing. However, it is becoming very difficult for members of the Assembly and the public to analyse whether ACT Policing is adequately resourced to conduct community policing, including in shopping centre precincts, because we do not have the facts at hand, only the glossy annual report of which I have already expressed criticism. I think that we need to look at documents such as the ACT Policing study, which actually looks at the capacity of ACT Policing to meet its objectives, which must include community policing in shopping centres.

We have asked the minister for police a number of times to make this report public. Each time, we have been told that it is under cabinet consideration. It has been so for nine months now and we wonder whether this report will ever be released. I submitted a freedom of information request and was told that it could not be released on the ground that its release could have a substantial adverse effect on the relationship between the AFP and the ACT government.

We need to know these kinds of things if we are to assess why the community has a particular perception. Let us be quite literal here. The government says that the opposition is talking about a perception. That perception continues to exist because we do not have information to the contrary. We have had a number of discussions with the Australian Federal Police Association over the last six months and it has convincingly argued that, because of national security priorities, ACT Policing's capacity to respond to ACT community issues is diminished.

Every job that comes in must be prioritised, but it seems more and more that they are unable to respond to the smaller jobs, which I suppose includes shopping centres,

because of a lack of resources. The small jobs are important jobs. They are the ones at the level of community perception. By dealing with them, we are engaging in preventative messages against larger crimes and we are nipping young law-breakers in the bud at a time that does not give them the sense that they can go on and do other things that are even scarier.

The other key point about the importance of community policing at the local level is the strong relationship that it builds between the local community and local police. Community policing is not just about traditional law enforcement. It is about prevention, problem solving, community engagement and partnerships. Mr Corbell has said that just because we do not see the police walking the beat does not mean that they are not doing their jobs. But to young people, or to anyone who feels that a shopping centre, a bus or whatever is fair game, knowing that police might be around is a deterrent. That is just the way it is.

The Office of Community Orientated Policing Services, within the US Department of Justice, has produced some material about the importance of community policing. It argues that in light of terrorism, for instance, community policing is more important now than ever. So here we are in Australia introducing antiterrorism legislation, spending a lot of money on programs that are supposed to enhance our national security, while in reality we are actually sucking resources from programs that have a proven track record in enhancing public safety, such as community policing.

We need to focus more on developing cohesive communities where community and local policing have a strong relationship based on trust and mutual respect. More effort on community policing was found to be an important point in investigations into the London bombings and accepted by the British government. Community policing at shopping centre precincts and elsewhere in our local community is an important tool in developing a more cohesive society, with reduced levels of crime.

In the absence of better information, I must conclude that unfortunately our government is failing to adequately resource this activity or respond to the community's call for it. More worryingly, the government is denying us information that would inform a decent community debate on the issue.

MR GENTLEMAN (Brindabella) (4.44): I support the comments made by Minister Corbell on this important subject. Canberra is one of the safest cities in Australia, although, as the national capital, it is often the focus of organised protest. That is not to say that, as members of this Assembly, we should not be aware of and concerned about our community's perceptions of problem areas within our city.

Mr Stefaniak said earlier that we should legislate so that police can have the power to deal with people swearing in a public place. I would have to ask Mr Stefaniak whether he has ever watched television. We would have to go and arrest 50 per cent of the actors on channels 10, 9 and 7, and even on the ABC.

Canberra has an extensive and well-organised network of public places, including local shopping centres and larger town centre precincts. These are easily accessible and well-serviced with businesses, community services and recreation facilities. For some ACT residents, the shopping centres are emerging as an area of concern. Whether as

business owners or operators, shoppers or other users of public places, there are people in the community who are worried about the level of crime in our shopping centres.

In recent months we have had isolated reports of ram-raids at local shops and repeated victimisation by juveniles of some local businesses. A more common theme emerging from some shopping centres is reports of young people congregating at these locations, more often for social and recreational purposes than to cause problems. However, occasionally some groups have been identified as abusing or harassing other users of these facilities.

Mr Pratt raised earlier problems at Erindale and said it was a typical area for crime, which I found pretty interesting because I spent Saturday morning there at my normal shopping centre stall and there were stacks of constituents who came to see me, there were several shop owners and shop workers, and also there were regular police patrols through the car parks and on foot through the shopping centre. Of all the people who attended my stall, not one constituent or shopping centre worker mentioned anything about crime in the area. That was pretty interesting.

Preventing isolated problems from becoming systemic issues, as they have become in some other cities, is a challenge for all of us, not just the police. I know that police are working closely with schools in my electorate of Brindabella to develop good relationships with young people and increase their understanding of their rights and responsibilities as citizens. Recently, we have also had police undertaking proactive campaigns, focusing on locations where youths frequently congregate, to head off any emerging tendencies towards antisocial behaviour.

These are good initiatives and early signs are that they are having a positive effect on young people's behaviour and on relations between young people and the police. The police need to be supported in these initiatives by businesses, schools and families and also by members of this Assembly. As Minister Corbell has stated, policing is a partnership between law enforcement professionals and the rest of the community. Messages about the rights and responsibilities of all citizens should be reinforced at every opportunity.

In relation to the safety and security of our shopping precincts and other public places, we all have responsibilities. The police have a responsibility to respond to crime when it is reported to them and to act proactively to disrupt crime before it happens. Business operators need to ensure they are not easy targets for criminals by taking appropriate security measures for their staff and their property. Parents and schools need to monitor our young people, who unfortunately seem to be well represented as perpetrators of problems in these places. Our government needs to ensure the provision of appropriate services, good lighting, safe and secure access, and information for businesses and citizens.

Members of this Assembly can also play an important role by encouraging our constituents to assist police by reporting crime and suspicious behaviour and working cooperatively with the police in developing good relationships with the community and by supporting the many good initiatives being rolled out by ACT Policing. I have seen this work firsthand with Operation Globin in the southern Tuggeranong suburbs.

Policing is a difficult job. I know that, having worked alongside them for 11 years. Shift work and difficult situations are all part of that job.

The ACT has an effective and professional police service, supported by an excellent range of government and community services. Members of this Assembly would do well to promote this message with their constituents and encourage cooperation with and support for the police to continue to keep Canberra safe. I congratulate ACT Policing on the fantastic work they do in Canberra.

MRS BURKE (Molonglo) (4.49): I realise that I am fairly short of time. So, in the interests of time, I would like to do things the other way round. In support of Mr Pratt's motion today, I seek leave to table a petition containing the signatures of some 400 residents, public housing tenants, shopkeepers and general users of the Red Hill shopping centre.

Leave granted.

MRS BURKE: I present the following paper:

> Red Hill shops—Precincts—Copy of petition which does not conform with the standing orders.

I wish to make a few points in relation to some of the things that Mr Corbell said. I find, quite frankly, the comment that he made about hyperbole to be quite insulting to the residents, public housing tenants, shopkeepers and general users of the Red Hill shopping precinct and other shopping precincts. It was quite distasteful. We heard Mr Stefaniak read out excerpts from a letter. If Mr Corbell is saying that that was hyperbole, that is very sad, because these things are very real. No, we do not live in New York, Mr Corbell, or downtown LA, but it is no excuse to say that it is happening everywhere else. Are we going to accept the status quo? Come on! It is an insult that you stand there and say these things as though somehow it is the residents' fault or things are not that bad. Get your act together.

Mr Mulcahy: It is always someone else's fault.

MRS BURKE: You are right, Mr Mulcahy: it is always somebody else's fault. I think Mr Corbell said that the crime levels are the same as those everywhere else. Canberra generally is safer, yes, but standards have slipped. This is a national problem and one that the Stanhope government must address, rather than just accepting the status quo. All of us in this place can play with figures as much as we like but, unless the government talks to these people, as Mr Pratt and I have done, it will continue to rely just on statistics, and we all know that they can be used to give us the story we want to hear.

The breakdown in law and order is affecting the lives of public housing tenants, shopkeepers and private residents alike. I think that Dr Foskey needs to be very careful when she gets on her soapbox, points the finger across the chamber—and Mr Gentleman shouted "hear, hear!"—and says that Mr Pratt or any other member of the Liberal opposition is targeting public housing tenants. Let me tell you that they are telling me that they are being affected by the small minority that could and should be dealt with by the housing minister and the police minister in this place. In fact, the calls that I have

made for public housing tenants to be better protected are well known. I am on the public record many a time for defending public housing tenants and speaking about the shocking and appalling conditions, particularly at Red Hill, that they are currently having to endure.

I suggest to members opposite that they, like we, get out there. Go and visit some of these places. The dilapidated state of the Red Hill precinct and the shopping area is a disgrace. Maybe we cannot do something about the shopping precinct, but by golly we can certainly do something about the public housing complex. How do you expect people to rise to the standard that we want them to, be inclusive, raise their general wellbeing, when you expect them to live in conditions such as exist there? Quite clearly and quite sadly, there is a correlation between the public housing complex and the breakdown of law and order in the area. We have asked that those people be given support. There are people out there with mental health conditions, for example, that need extra support. I have asked for that many time, but the pleas have fallen on deaf ears.

My colleague Mr Pratt has stated that many of these offenders are well known to the community and the police. Mr Corbell stands there taking great delight from Operation Halite, which has been a huge success. I will tell you now that Strathgordon Court was one place where it came into effect after I gave the police information. I gave them intelligence, as did some of the tenants living in Strathgordon Court, as was the case with Red Hill, I might add. I was pleased to see that Operation Halite was able to stretch police resources. Let's not make any bones about it: they are stretched. They are stretched to the maximum to try to deal with a gradual degeneration of law and order in this city. Simply to say that it is the same everywhere else is feeble and is no answer.

Let's talk about police feedback from residents. Bail is granted and these people are again out in the community. The system seems to be falling over. Again I say that the police must be so overstretched and underresourced that they simply are not able to do this essential community liaison work. We know that people are being released on bail. Only this week, on Monday, there was a case in Hughes of somebody being held up and somebody else being bailed up by the police, but bailed out by the courts, back out again. What are we coming to? We are simply allowing a situation to occur where law-breakers and offenders can roam our suburbs thumbing their nose at the police and the community at large. We have no doubt what we are seeing is a degeneration of law and order in our community, no more so than that being exposed at our local shopping centre precincts.

I support this MPI today, call on the government to read *Hansard* and check some of the things that we have said, and start acting and listening to the residents of this community now.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): Madam Temporary Deputy Speaker, I seek to make a personal explanation.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Dunne): Proceed.

MR CORBELL: Mrs Burke said that I sought to blame others. That is not the case. I said no such thing, and her claim is incorrect. I did not at any point during my speech seek to say that it was the fault of other people if crime was committed against them.

Mrs Burke: On the point of order—

MADAM TEMPORARY DEPUTY SPEAKER: Mrs Burke, there is no point of order being debated. Mr Corbell sought leave to make a statement. I call Mr Pratt.

Mrs Burke: Can I seek leave to make a similar statement?

MADAM TEMPORARY DEPUTY SPEAKER: Mr Pratt has the call.

MR PRATT (Brindabella) Under standing order 47, I seek to make a statement to explain words used.

MADAM TEMPORARY DEPUTY SPEAKER: Proceed, if you are claiming to have been misrepresented in the debate.

MR PRATT: Dr Foskey stated in the debate that I had put out a press release targeting the residents of the Red Hill public housing complex and blaming them for the crime at Red Hill shops. She used words to the effect that I was targeting those people. That is not correct. The press statement that I put out, as reflected again in my speech today, stated that members living and residing in that housing complex were also victims of a minority group behaving badly in that public housing complex, causing grief to fellow residents, residents of the area in general and the shopkeepers.

MRS BURKE (Molonglo) Under standing order 47, I rise to explain words used. Perhaps I need to check *Hansard* as to who said what to whom, but I think I referred in a broad interjectory comment to its being somebody else's fault. The issue is that Mr Corbell had said that I had said that he had said to people that I was blaming him. I did not.

Mr Corbell: I take a point of order, Madam Temporary Deputy Speaker. Mrs Burke is debating the question. She is allowed to make a personal explanation or to explain words, but she is debating the issue. If she cannot recall what she said or did not say, perhaps she should check the *Hansard* before seeking to make a statement. She is debating the question and she is flouting the standing order.

MADAM TEMPORARY DEPUTY SPEAKER: Standing order 47 does require you to be to the point, Mrs Burke. Would you like to make a point?

MRS BURKE: With respect, Mr Corbell certainly had not got the point right. As I said, I will check the *Hansard* and I ask Mr Corbell to do the same.

Mr Corbell: That is an abuse of the standing order. Mrs Burke has not in any way sought to explain words or to make a personal explanation. She simply used the standing order to make a cheap point. I think that is quite disorderly and you should make that point to her. I know that she said she was going to check the *Hansard*, but she should not be using the standing orders to make a quick point after someone else has properly used the standing orders to explain words or to explain a statement. Mr Pratt got it right. It is a pity Mrs Burke could not do the same.

MADAM TEMPORARY DEPUTY SPEAKER: I should remind members that the point that Mr Corbell makes is a correct one and that if you want to set the record straight you should be absolutely clear on what it is that you are setting straight before you do so. Members have the capacity to come back here at any time and seek leave to make a statement under the standing orders. The discussion is concluded.

Leave of absence

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

> That leave of absence be given to Mr Hargreaves (Minister for Urban Services) for this sitting.

Duties Amendment Bill 2006

Debate resumed.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.00): On behalf of Mr Stanhope, I thank members for their support of this bill. This bill provides further tax relief to the ACT business community. Under the intergovernmental agreement on the reform of commonwealth-state financial relations the IGA, which underpinned the introduction of the GST, the states and territories agreed to cease the application of certain business taxes. The ACT fulfilled this commitment by abolishing financial institutions duty in 2001. It abolished duty on quoted marketable securities in 2001 and debits tax was abolished in 2005.

The IGA also committed the states and territories to review the need to retain other specified business taxes. In this regard the comment made by Mr Mulcahy—that there was a further commitment on the part of the ACT government to abolish certain taxes—is simply incorrect. The IGA did not commit the states to abolish further taxes over and above those I have just mentioned; instead it committed the states and territories to review the need to retain other specified business taxes. I am pleased to say that, as an outcome of the ACT government's review, a package of tax reform measures was announced in the last budget.

This package committed the ACT to abolish four other taxes, including duty on core business assets by 1 July 2006, abolish duty on rental arrangements by 1 July 2007, abolish lease duty by 1 July 2009, and abolish duty on unquoted marketable securities by 1 July 2010. In undertaking these steps the ACT government fulfilled both the letter and spirit of the IGA, contrary to the assertion made by Mr Mulcahy. Duty on non-real core business assets is the first of those business taxes scheduled to be abolished in the ACT.

This bill amends the Duties Act 1999 to remove any duty liability on the acquisition of non-real core business assets on or after 1 July 2006. As a result, duty will no longer be chargeable on transfers and transactions involving the goodwill of a business, intellectual property and a statutory licence or permission under commonwealth or territory law. In addition, partnership interests and goods in the ACT will now only be dutiable property where they include or are dependent on an arrangement that includes lands, a crown lease, land use entitlements, unquoted marketable securities or units in a unit trust.

Transfers and transactions involving partnership interests and goods will no longer be liable for duty on goodwill, intellectual property and statutory licences or permissions. The budget impact of these measures will see an annual impact of $2 million on the bottom line. I thank members for their support of this legislation and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Criminal Code (Mental Impairment) Amendment Bill 2006

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

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (5.04): Since 1994 we have had the issue of mental impairment and how it relates to the courts and to therapeutic services. It has been a vexed question but some important steps were taken in the last couple of years as a result of some significant problems involving a number of cases—notably the King case, which has still not been solved satisfactorily. That case showed clearly that the system in operation was subject to abuse. There were definitional problems and there were mix-ups as to who should do what. There were roles being undertaken by non-legal professionals which should properly be undertaken by a court of law where people can be cross-examined and a where a judge or magistrate can make an assessment of the relative merits of the case in front of them and the relative merits of the witnesses in front of them, more particularly in relation to this. The last thing we on this side would want to see is people falsely claiming to have mental problems escaping criminal justice.

We were also keen to see that people involved in the justice system who have general medical health problems are properly treated both in that system and as far as therapeutic protection is concerned. Accordingly, we were very happy in February 2004 when the Chief Minister directed the chief executive of his department to set up an interdepartmental committee to examine all aspects in relation to the care and custody of people with mental health issues who came into contact with the criminal justice system.

The committee was also charged with examining any requirement for the provision of facilities, including step-down or forensic mental health facilities, in the ACT. There might still be a few problems with those facilities, but that was a good step forward. Six key initiatives were announced as a result of that, the first of which was expressed as the application of different definitions to criminal justice and mental health treatment matters. The foreshadowed definition of "mental impairment" in the Criminal Code 2002 will apply to criminal law matters, while definitions for therapeutic matters are to remain in the Mental Health (Treatment and Care) Act 1994, where they should be.

The rationale behind the differentiation of the definitions is that the definitions in the current mental health act were drafted for medical purposes and are principally about therapeutic treatment. The definition of "mental impairment" in the code is designed for criminal proceedings. The definition ensures that in a criminal prosecution a person would not be found guilty of a crime if they suffered from a genuine mental impairment which had the effect that they did not know the nature and quality of their conduct, suffered from a mental impairment that had the effect that they did not know that their conduct was wrong, or suffered from a mental impairment that had the effect that they could not control their conduct. That seems to be eminently sensible. Many changes were necessary to replicate that definition. Accordingly, some sections have been redrafted and a number of sections have been changed. The new terminology is "mental impairment".

I accept that the government consulted widely on this. I had some very useful discussions with the Law Society. I also had the chance to discuss this with both Justice Terry Connolly and the DPP, who are quite satisfied with it. All in all the bill is worthy of support, although I flag that there are some problems. It concerns me that there are still a number of issues around the notorious King case that have not been resolved. There are still problems getting King to court. He seems to get the screaming heebie-jeebies when anyone mentions it. I do not know what is going to happen in that regard. I hope those issues will be resolved because there is certainly angst around that case from family members et cetera.

Those are the sorts of areas where we want to ensure that our law is adequate, ensure that justice is done, ensure that people get proper treatment and ensure that cases such as that do not slip through the radar, with unsatisfactory results for everyone concerned. It is a good process but I note that a number of improvements still need to be made to the system. I will leave it to my colleague Mr Smyth to talk about those another day. The opposition will be supporting this bill.

DR FOSKEY (Molonglo) (5.09): In the Chief Minister's presentation speech we were told that this bill implements the first of six key initiatives which together are intended to comprise a new model for dealing with mental health patients who come into contact with the criminal justice system. The intention behind the model appears to be laudable. It is inhumane, inequitable and counterproductive to respond to the symptoms of mental illness using the same rationales and responses used to punish and address purely criminal behaviour.

One of the main purposes of this bill is to ensure that people who commit offences because of the effects of mental impairment are dealt with using a therapeutic response rather than a criminal justice response. Unfortunately, there is considerable anecdotal evidence that the institutions entrusted with implementing this therapeutic response are not working as well as they could be. They suffer from a lack of consistency and a lack of effective independent oversight. They have insufficient commitment to procedural fairness or effective representation of the interests of those who appear before them.

Some sort of ranking possibly needs to be given to the various factors the Mental Health Tribunal needs to take into consideration under section 26 of the Mental Health (Treatment and Care) Act in order to adequately safeguard the interests of people who

are subject to a mental health order. These deficiencies need to be addressed as soon as possible. I am concerned that the government has not committed sufficient resources to completing its review of the Mental Health (Treatment and Care) Act as soon as practicable.

The main concern I have with this bill is that it could be premature. By widening the definition of "mental impairment" the new law will result in more people being dealt with by the Mental Health Tribunal before that body itself undergoes reform to allow it to better represent the interests of the mentally ill people who come before it. Even with the best will in the world, if enough suitable accommodation for mentally impaired detainees is not available—and it is not available in the ACT—people may well end up being detained in the sort of accommodation that by itself constitutes punishment. Belconnen Remand Centre or Goulburn jail are not suitable places in which to detain the mentally ill or, some would say, those who are not mentally ill. The mentally ill are often the victims of physical and sexual abuse in jail and the experience can pose serious risk of exacerbation of their original symptoms.

I have expressed concern before that plans for the ACT's supposedly world's best practice jail include neither the provision of condoms nor a needle exchange program. That is a breach of the government's duty of care to detainees under its custodianship responsibilities. Given the extremely high correlation between prisoners suffering from mental illness and drug use within jails, these considerations are critical in deciding on the most suitable and productive treatment for mentally impaired detainees. This bill is a step in the right direction.

The ACT can expect these issues to become more prevalent as the federal government's welfare-to-work agenda is played out. More people with borderline personality disorders and other so-called borderline mental illnesses are likely to have their disability benefits cut, leading to their having to live on the streets or in otherwise dire financial stress, given the shortage of housing for low-income people. This will inevitably increase the symptoms that bring such people to the attention of the criminal justice system. I would like to quote from an article by Jennifer Smith and Anne-Marie Boxell called *The intersection of mental illness and the 'criminal justice system' in Australia*. Dated 7 December 2005, the article was published in *New Matilda*. It reads:

> The 2001 New South Wales Inmate Health Survey provides comprehensive and alarming figures on the extent of mental illness amongst the New South Wales prison population. Over half of all female and 41% of male prisoners had suffered a severe emotional or mental health problem at some stage in their life. Of this number, 25% of women and 34% of men had been admitted to a psychiatric hospital and 40% of all female prisoners and 21% of all male prisoners had made at least one suicide attempt at some stage in their lives. Such rates of mental illness are far higher than in the general population. Sane Australia, for example, found that the level of psychosis amongst the prison population is an astonishing 30 times greater than in the population as a whole.

These figures are presumably well known to the government. I would like to think they are also well known to the opposition but it is sometimes hard to see evidence of that fact in their responses and policy prescriptions for criminal and drug-related behaviours. I urge them to take a few moments to digest the implications of these figures and perhaps

bear them in mind next time they think a tough-on-crime response is the best way to deal with problem behaviours.

These figures and most other available data suggest that such policies do not work because the root cause of these behaviours is not criminal intention but, rather, damaged self-esteem and mental illness. They also suggest that merely increasing penalties will in many cases make the problem worse, as criminal incarceration facilities often create or exacerbate mental health problems. It does not suit the prevention-punishment perspective so beloved of right-wing commentators but a health and rehabilitation perspective on many behaviours, although not all behaviours, which are presently treated as purely criminal behaviours is likely to be more effective in protecting public safety and property. It is also likely to be economically efficient, as preventative health-based interventions are much cheaper than waiting for the criminal justice system to act as some kind of safety net for system treatment or service failures.

The moral dimension sometimes gets lost in these kinds of discussions. The moral worth of a society can be gauged by how it treats its weakest members. Our first priority should be to care for those members of our community who have not enjoyed the benefits of free market economics and who have not coped so well with the competitive individualism engendered by capitalist economics. Again, in the wider context of a reformed Mental Health Tribunal and better oversight of current and future accommodation and treatment facilities, this bill is a welcome development.

One concern I have about this bill is the treatment received by those who receive a verdict of not guilty because of mental impairment. While a guilty verdict has not been delivered, with the associated stigma of a criminal offence, there is a danger that they can be detained involuntarily in a mental health facility for even longer than the period they would have been detained if they had been found guilty.

I have heard anecdotal evidence of people who have been certified as healthy by their treating doctors not being released by the Mental Health Tribunal and Legal Aid being reluctant to represent them. Their plight is compounded by the fact that the Mental Health Tribunal is not bound by the same standards of procedural fairness that apply in a criminal context. Whilst this can facilitate a fairer hearing, it sometimes means that the interests of the detainee are not given sufficient weight. The only avenue of appeal from the tribunal is the Supreme Court, which is inappropriate and prohibitively expensive.

In discussing this bill with community groups it has become apparent that there is a desperate need for sustainable funding to the organisations that are willing to represent the interests of people who are suffering mental health problems who are caught up in the criminal justice system. The people who work in these organisations deserve our support and gratitude. They perform an invaluable service for their clients and put a phenomenal effort into what must be an extremely difficult and often thankless environment. With those provisos, I support the bill.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.18): On behalf of Mr Stanhope, I will close the debate on this bill in the in-principle stage. The government's Criminal Code (Mental Impairment) Amendment Bill 2006 is just a small component of reforms to improve the interaction between the mental health and criminal

justice systems that this government is committed to. I thank members for their support of the legislation.

The government's bill satisfies the government's commitment to the first of six key initiatives arising out of the high-level interdepartmental committee recommendations that were handed down on 30 May last year. This committee was set up after the Chief Minister directed the chief executive of his department to oversee an examination of all aspects in relation to the care and custody of people with mental health issues who come in contact with the criminal justice system. Chaired by the Chief Minister's Department, the committee was made up of representatives from the departments of health, disability and community services, justice and community safety and the Office for Children, Youth, and Family Support. Six key initiatives made up an improved management model for mental health patients who come in contact with the criminal justice system and drew on the best practices of other states and territories. Those initiatives were expressed as follows:

- clarification of the definitions that apply to forensic mental health offenders and alleged offenders, which is the purpose of this bill;
- a review of the Mental Health (Treatment and Care) Act 1994 by the Department of Justice and Community Safety and ACT Health. This is now under way and is something I will comment briefly on later;
- a common assessment process for forensic mental health offenders and alleged offenders through the ACT's criminal justice system;
- the provision of facilities for the secure detention, treatment and care of offenders and alleged offenders, including a secure facility located at the Canberra Hospital for short and medium term care—planning for this facility is now under way;
- step-down options involving support packages and appropriate accommodation options; and
- widely available forensic mental health training for government and non-government workers who provide mental health services to these patients.

The bill applies the definition of "mental impairment" in the Criminal Code 2002 to criminal law matters, while definitions for "therapeutic matters" remain in the Mental Health (Treatment and Care) Act 1994. In essence, this will mean that the tribunal will no longer be asked to place a person into a category of mental illness or mental dysfunction but, rather, by application of a definition that contemplates a broader range of medical conditions than those currently recognised.

As the Chief Minister indicated when he introduced the bill, the Criminal Code definition of "mental impairment" is specifically designed for criminal proceedings. The rationale behind differentiating the definitions is that the current mental health act definitions were drafted for medical purposes and are principally about therapeutic treatment. Whether someone has a mental illness or a mental dysfunction dictates how and by whom they are managed under the mental health act.

The code defines "mental impairment" as including mental illness, which is "an underlying pathological infirmity of the mind, whether of long or short duration and whether permanent or temporary, but does not include a condition resulting from the

reaction of a healthy mind to extraordinary stimuli". The definition of "mental impairment" under the code also covers conditions such as senility, intellectual disability, mental disease, brain damage and severe personality disorder.

The amendments will mean that when offenders come before the courts and the Mental Health Tribunal becomes involved, the issue for determination will be whether they suffer from a mental impairment and what that means for the allegations before the court by application of definitions designed specifically for the criminal justice system. It is expected that these improvements to the current system will ensure that, instead of categorising people into two classes—either that of mental illness or mental dysfunction—we can ensure that their medical conditions are recognised and responded to by the criminal justice system.

The bill also evidences the government's commitment to the ongoing Criminal Code project and harmonisation of all ACT legislation with the code to bring offences and related provisions into line with the general principles of criminal responsibility contained in chapter 2 of the code by reviewing the effective provisions to ensure their code compliance.

Finally, the bill re-enacts the transitional provisions made by amendments enacted by the Crimes Amendment Act 2005 to make clear the government's intention to ensure that all decisions made that persons are unfit to plead are reviewable pursuant to section 68 of the mental health act. These amendments were publicly foreshadowed in May of last year. The intergovernmental departmental committee considered the needs and views of consumers and carers, the Community Advocate, the courts, police and Corrective Services when recommending the new initiatives. In addition to this, the Chief Minister's Department consulted with peak representative groups—namely the Mental Health Community Coalition of the ACT and the ACT Mental Health Consumer Network—to advise them of the intention to introduce this legislation. Further, a briefing on the legislation took place in March for interested community members. On behalf of the government, I thank the people who participated in that briefing for their time and comments.

Community consultation has been an imperative part of this process. This bill is only a small part of the reforms the government is committed to in this area. The much broader review being conducted jointly by the Chief Minister's Department and ACT Health of the mental health act will result in the release of a discussion paper soon for community consultation. This, together with other initiatives developed by the model, will allow us to take a comprehensive and systemic approach to forensic mental health care and custody, and move us closer to an improved model for the care of mental health patients who come into contact with the criminal justice system. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Construction Occupations Legislation Amendment Bill 2006

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

> That this bill be agreed to in principle.

MR SESELJA (Molonglo) (5.25): The opposition will be supporting this legislation today. As stated in the explanatory statement, this bill amends a number of pieces of legislation which relate to the licensing and disciplinary regime for construction occupations, including building certifiers and plumbing plan certifiers. The main objectives of the bill are to amend certain laws and regulations relating to the licensing and disciplinary regime for construction occupations to improve the functioning of the laws and incorporate certain new initiatives, some of which are being adopted at a national level.

The bill also improves wording and clarifies certain provisions in the laws. As part of this process I have consulted with industry, particularly with the Master Builders Association and the Master Plumbers Association. Generally speaking, the industry is happy with the proposed amendments and is satisfied with the consultative process that has occurred. As such, most of the amendments reflect industry wishes.

The bill provides some necessary amendments to the current legislation. The concept behind the original COLA legislation was to regularise and reform the licensing process, something the industry is largely in agreement with. This bill anticipates the adoption of national standards, and no-one disputes the commonsense behind that. I am pleased to see that the role of an irrigation plumber has been recognised. I support the amendments relating to disciplinary procedures, including the clarification of procedures for the registrar of Construction Occupations in issuing rectification orders and disciplinary notices. The Master Plumbers Association was supportive of the creation of the separate category of irrigation plumber. This provision should benefit consumers, who will have more options in hiring labour to install irrigation systems.

The disciplinary procedures as amended by this bill allow for a licensee to respond to matters in a disciplinary notice and for the registrar to hold an inquiry. The registrar can choose not to hold an inquiry, but if he chooses not to do so then he cannot take disciplinary action against the licensee who has sought an inquiry. This offers a fairer approach to the process. In fact, a constituent who would have benefited had this provision been in place a few months ago approached me a few days ago. He feels that he did not receive natural justice. Hopefully this provision will avoid a repetition of that situation, which has unfortunately ended up in the AAT, in the future.

I also support the amendments which protect partners who can prove that they were not involved or could not prevent a contravention by the partnership. I think this is a sensible amendment. It recognises the nature of modern partnerships and recognises that innocent partners can sometimes suffer because of the actions of other partners. I note that this is not the case in other pieces of legislation. I believe Mr Mulcahy will touch on that later. In short, the bill provides for sensible amendments to the existing legislation. It is supported by the industry and should be progressed—that is why we will be supporting it.

Overall, the Construction Occupations Legislation Act as it stands and its many amendments—and I am sure there are more to come—point to a hastily prepared piece of legislation. The failure of government to hear the voice of industry in the first place makes one wonder what motivation lay behind this hurried and seemingly piecemeal approach to what could have been a streamlining of the licensing process. That is why we are dealing with some of these amendments now. The rationale behind this hurried approach might be found in the minister's tabling speech of 24 June 2003. I quote:

> Mr Speaker, it is symbolic that this significant legislative reform will have a community consultation phase commencing on 1 July 2003, the commencement date for the new ACT Planning and Land Authority. This sends a strong message to the community that this government's commitment to high-quality, sustainable development is not merely a set of words in a policy document but a policy that permeates all levels of the building and construction industry.

The commencement of a public consultation phase might have suggested that to be true but it appears that this has not become a reality. One industry body mentioned to me that this consultation process was limited, that not enough time was given, that the government had decided on a course of action and public consultation was a process in name only, whilst this hotchpotch of hurriedly produced legislation was full of cracks and change was not going to be countenanced, according to some industry groups. In Mr Corbell's speech of 20 November 2003 he gave an indication that this was certainly the attitude of government. I quote again:

> On balance, Mr Deputy Speaker, the government's assessment was that those industry concerns that were not addressed do not argue against the legislation going ahead. We consider that it is important to move forward now in partnership with industry.

As a result, we had the inevitable promise of a requirement "to review the operation of the scheme two years after its commencement". It seems to me that the overall thrust of providing a clear legislative basis for licensing the trades is important. Unfortunately, I think it was put forward hurriedly and as such this has led to a continuing stream of adjusting amendments to the legislation to patch up failings of the original act.

I cannot help but wonder what it is like for the industry to deal with such a moving target, let alone the statutory body trying to administer it. The act was intended to introduce a single licensing system for the construction occupations, which has enormous benefits, including streamlining results and a better customer service to our licensees. This is a motherhood statement and I guess the proof is in the pudding. The key to making this happen, of course, is backing up the legislation. The legislation provides for the creation of a more flexible and effective means of disciplinary action against delinquent licence holders. It also provides for speedy action against unlicensed persons found to be doing work requiring a licence. This intention is sound.

In reality, though, I understand that there is a plethora of unlicensed persons in the industry—particularly, I am told, in the rental property area. According to some industry groups, handymen who are not licensed to undertake specialised maintenance are working openly and in large numbers. Legislation, even with some deficiencies, provides a basis for action but if the legislation is not followed through with action it is virtually

useless. I understand that when the initial exposure draft to the ACT was circulated to industry for comment there was a commitment to run a public information campaign to advise the public of the requirement to employ only licensed individuals for plumbing, electrical and building work. I understand that no such campaign has been conducted to date.

It seems that no education process of agencies, contractors and employees on the issue of unlicensed workers has occurred. Even with education, policing of activities is essential, which raises the question of the capacity of the inspection staff to undertake such activities. I understand that, for example, there are only two plumbing inspectors in the ACT, one of whom is due to take a lengthy period of leave shortly.

Arising from these amendments, I would like a few assurances. I would like an assurance that the current level of inspectors will be maintained, even with the significant budgetary problems facing the ACT government. Is the government prepared to commit to addressing the issue of education and monitoring of the use of unlicensed handymen doing work which should be undertaken by licensed tradespeople? Is the government going to undertake its promised review of the legislation two years from the commencement date?

Most of my comments have related to the whole COLA legislation package, including its many amendments so far, and I believe there will be more amendments. Whilst I support the bill at hand I put on record that, in my view, some of these amendments could have been avoided if all issues had been adequately canvassed and taken account of in the early stages of drafting of the original act.

DR FOSKEY (Molonglo) (5.33): I must say that I did appreciate some of the comments that Mr Seselja made and the detailed analysis he has done of this bill. The Greens will be supporting the bill because the changes it makes to the construction occupations legislation are quite simple and seemingly quite rational. Changes to plumbing regulations, for example, will ensure that irrigation can be installed by an irrigation plumber, which both creates a lower level qualification, bringing more people into that part of the work force and, conveniently, allows for irrigation to be installed by someone other than a fully fledged licensed plumber. The bill also provides for recognised standards to apply to building products, methods or components and so certifiers can know that they are compliant with the building code by design. This is part of a national approach to building codes and is particularly pertinent to small jurisdictions such as the ACT.

The most complex amendments in this bill relate to the issue of disciplinary actions against partnerships. Prior to the amendments, people in partnerships could, in effect, dodge their responsibilities to deliver satisfactory work by redirecting any offence, such as engaging workers without appropriate skill or endorsement, to other partners. Over the past few years, we have seen a continual refining of the legal obligations of employers in terms of their public safety and OH&S responsibilities. These amendments, insofar as they clear up the responsibilities of corporations and partnerships, are a part of that project.

MR MULCAHY (Molonglo) (5.35): The aspect of this bill on which I wish to comment, and which was previewed by Mr Seselja, is the series of amendments to

provide protection for individuals in a partnership when another partner commits an offence under the act. These changes did take my attention.

The bill provides that, in cases where a partner can prove that he or she did not know about the contravention involved in an offence and either took reasonable steps to avoid the contravention or was not in a position to influence the partnership's conduct involved in the contravention, that partner is not liable for prosecution. This amendment establishes an extremely important principle; that is, if you did not personally cause an offence, did not know about it, took reasonable steps to stop it or were not able to stop it, you will not be held liable for prosecution.

This is significant because it is reflective of the reality of what goes on, particularly in small business. I often fear that there is a lack of appreciation by some here of the reality for people running small businesses. In many cases, they are husband-and-wife operations. From my knowledge over the years of various people involved in small business, often half of the partnership is at home, maybe doing the books, and the other may carry out the day-to-day operational work in a particular enterprise. That is quite a common situation; you see it in service stations and in lots of small businesses involved in trades. Therefore, to recognise that one partner might be—to use the American term—a homemaker, as well as doing the bookkeeping, and should not be held liable for an offence that may have occurred as a consequence of what happened in the day-to-day operation of that partnership I think is a good principle.

But, since this principle has been accepted by the government, which I commend them for, the time has come for it to be applied when considering breaches of occupational health and safety legislation. Members would be aware of the inequity.

Mr Corbell: I raise a point of order, Mr Speaker, on relevance. This bill has nothing to do with occupational health and safety legislation. This bill is about construction occupations and licensing. Whilst Mr Mulcahy is welcome to make the point that this is a different approach from other legislation, he should not be venturing into other areas around occupational health and safety.

MR MULCAHY: Mr Speaker, I do not believe that it is a point of order. I am talking about a legal principle.

MR SPEAKER: Remain relevant.

Mr Seselja: I think he is saying that you are relevant.

MR SPEAKER: That is not what I said.

MR MULCAHY: Members would be aware of the inequity in practice—for example, where a partner in a firm can be held liable for the actions of another partner, even in cases where one partner had no knowledge of or influence over the other partner's actions, which may have contributed to an accident, which is why this is a good amendment.

Mr Corbell: I raise a point of order, Mr Speaker. Mr Mulcahy is critiquing other pieces of legislation that have nothing to do with the question before the Assembly. The

question before the Assembly is whether this bill should be agreed to, and it is not open to Mr Mulcahy to stand up and start drawing comparisons and then using that as a pretext to critique existing legislation that has been passed by the Assembly. That is not the question before the chair. Mr Speaker, it is disorderly of him to debate in this manner and I ask you to draw him to order.

MR MULCAHY: On the point of order, Mr Speaker: we have an amendment here that seeks to make it very clear that in a partnership one party may not be held liable for the actions of another. I am saying that it would be inequitable to allow the current legislation to continue, and for that reason I am supporting the government and speaking to that principle.

Mr Corbell: You are doing more than that, Mr Mulcahy, and you know it.

MR MULCAHY: It is very relevant, Mr Speaker.

MR SPEAKER: Order, members! Let us just stick to the Construction Occupations Legislation Amendment Bill.

MR MULCAHY: As I was saying, the important principle that is enshrined in the Construction Occupations Legislation Amendment Bill—and I am thrilled that the government has adopted this principle—recognises that the unfairness and uncertainty that result from being blamed for something over which you had no knowledge or responsibility have greatly increased the risk of doing business and therefore can result in valuable investment and job creation being forgone.

Rather than being sensitive to this initiative, the government, and indeed Mr Corbell, ought to say, "Here is something we have done that is sensible. It is good for business, it is fair, it is equitable and it means that those who might commit a particular offence are held to account." We in the opposition have no problem with that. It also says that somebody whose partner, for example, is at home and does the books and who was not on the job site where a particular problem occurred should not be held to the same degree of liability.

It is wonderful to see this sort of legislation brought in, and it is wonderful to see that principle embraced, adopted and recognised by the Stanhope government. For that reason, I have much pleasure in supporting this legislation amendment bill and the legal principle that the government has now taken on board and embraced as part of what is obviously a new approach towards equitable treatment of people who are charged with particular offences against businesses.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.41), in reply: Mr Mulcahy's comments are opportunistic, simplistic and irrelevant to the matter before the chair. If Mr Mulcahy wants to have a debate about the Occupational Health and Safety Act, maybe he should do something about that. If he feels so strongly about it, maybe he should introduce legislation to let us have a substantive debate. But now is not the time or the place for that, because today we are dealing with the Construction Occupations Legislation Amendment Bill.

I would like first of all to thank members for their support. Secondly, I would like to table a revised explanatory statement, which has been produced in response to a number of comments made by the scrutiny of bills committee. I have already provided copies of this revised explanatory statement to both Mr Smyth, as Leader of the Opposition, and Dr Foskey, and I thank them for their forbearance on the matter.

Earlier this year I presented this bill and circulated an explanatory statement. The bill provides for a number of amendments to the Construction Occupations (Licensing) Act 2004 and its operational acts. These include the Building Act 2004, the Electricity Safety Act 1971 and the Water and Sewerage Act 2000, as well as the Construction Occupations (Licensing) Regulations 2004 and the Gas Safety Regulation of 2001.

The scrutiny of bills committee, in examining the bill and associated explanatory statement, made a number of recommendations which the government has largely accepted, and for that reason I asked for a revised explanatory statement to be prepared, which I have just tabled. Among its concerns, the scrutiny of bills committee raised issues regarding inconsistency in the drafting of the explanatory statement, questioned sections of the bill that incorporate laws by reference to other laws or documents, and raised concern regarding aspects of the bill that it considered may have elements of retrospectivity.

I would just like to briefly address each of these issues. On the first, the issue of incorporation by reference, the committee addressed two instances where the incorporation of laws is utilised by references in acts. The first instance relates to the declaration of articles of electrical equipment under proposed subsection 11A (4) of the Electricity Safety Act 1971 by the adoption of laws of other states or territories. Existing provisions in the act make references to laws of New South Wales, specifically the Electricity Safety Act 1945 of New South Wales. The amendment will allow for the more flexible application of the existing provisions due to the fact that the relevant laws of New South Wales may be amended, repealed and/or renamed from time to time, as has indeed recently been the case.

The amendments under clauses 1.25 to 1.29 of schedule 1 effectively maintain the existing use of incorporation by reference and delegate the authority to determine appropriate laws to the Planning and Land Authority. This will ensure that references to the relevant laws are current. The amendments will also allow the adoption of the laws of other states and territories to allow for the adoption of those laws should they be considered relevant. Any declaration under subsection 11A (4) is a disallowable instrument.

Clauses 1.37 and 1.38 of schedule 1 of the bill make provision for the incorporation by reference of the plumbing code under subsection (46) (1) of the Water and Sewerage Act 2000. This provision is similar to the provision under part 8 of the Building Act 2004, which recognises the "building code" as the building code of Australia as published from time to time by the Australian Building Codes Board. The recognition of the plumbing code of Australia will allow the minister to recognise plumbing standards consistent with those in other Australian jurisdictions and will achieve interjurisdictional regulatory consistency, the key objective of the Council of Australian Governments.

The plumbing code of Australia is a lengthy and technical document prepared and published from time to time by the Australian Plumbing Regulators Forum, which is an intergovernmental body. The production of similar standards by the ACT government would be an onerous impost on the ACT government's resources and would be contrary to the aim of achieving consistency with the regulatory frameworks of other jurisdictions. Other Australian jurisdictions are also recognising the plumbing code of Australia under their respective laws for similar reasons. The government therefore considers that the use of incorporation in this instance is appropriate and any declaration under subsection 46 (1) is a disallowable instrument.

The scrutiny of bills committee also raised concerns regarding the numbering of clauses in the explanatory statement on the bill. The committee identified some inconsistencies in the content of the explanatory statement and the bill. As noted by the committee, these were due to changes in wording made between various versions of the bill during its drafting. I acknowledge these errors and they have been amended accordingly: the reference to clause 3, notes, has been omitted from the revised explanatory statement; the explanation of clause 1.25 of schedule 1 has been amended in the revised explanatory statement to correctly refer to the Planning and Land Authority; the explanation of clause 1.1 of schedule 1 has been amended to replace reference to "new subsection 29 (1) (a)" with a reference to "existing 29 (1) (a)", as suggested by the committee; and the explanation of clause 1.6 of schedule 1 contains a reference to subsection 61 (1) of the Building Act, which the committee considered may have been an inaccurate reference. This reference was intentional and the explanation has been rewritten to make clear the connection between subsection 61 (1) and subsection 56 (1) being amended. A typographical error identified in the committee's report has also been amended.

The committee also raised concerns about perceived retrospectivity of certain provisions. The committee raised these concerns regarding the potential application of retrospectivity under clause 1.17 of schedule 1. The explanatory paragraph has been rewritten to make it clearer and to address the question of retrospectivity.

The amendment, in creating a new part 14 of the Construction Occupations (Licensing) Act 2004, is not a retrospective provision but, rather, a prospective provision based on past facts. This is based on the principle that the amendment affects the future operation of the act based on events that had already taken place at the time of its commencement. The amendment will extend the provisions of the act, including the registrar's ability to issue notices and rectification orders, for work that was conducted prior to the commencement of the Construction Occupations (Licensing) Act under certain other acts, which are now repealed.

The recognition of repealed laws under the act cannot affect notices and orders that the registrar may have made prior to the commencement of the amendment and can only affect future orders based on past events—for example, the construction of buildings prior to the commencement of the act. The principle of prospective provisions based on past fact is an established principle based on Australian case law. I am satisfied that the provisions do not breach the principle of retrospectivity and that they are in fact prospective. Furthermore, the government is of the view that the provisions are necessary to ensure that licensees are held responsible for work they conducted under repealed laws that were in operation as recently as two years ago.

I now briefly turn my attention to the amendments contained in the provisions of the bill. The Construction Occupations Legislation Amendment Bill makes several amendments to the Construction Occupations (Licensing) Act, known as COLA, and its operational acts. This package of legislation commenced on 1 September 2004 and replaced an outdated regime that left the government little scope to take action against delinquent construction practitioners other than to suspend or revoke licences.

The new legislation has provided the government with a suite of measures to address patterns of inappropriate behaviour. These measures include the issuing of reprimands, licence demerit points, fines, rectification orders and suspension of licences. The introduction of a demerit point scheme has enabled the identification of delinquent patterns of behaviour and allowed these to be addressed without the need to resort to the extreme act of revoking a licence. Doing so would deny somebody their livelihood, and for this reason it was a measure that was rarely exercised.

In the 18 months since the COLA legislation has been operational, the government has successfully been able to use the new provisions in the legislation to more effectively regulate construction and building work, to identify patterns of delinquent behaviour, to protect consumers and to ensure safety standards in the industry. In that time the government has identified a number of minor improvements to the regime and has identified a number of new initiatives that will assist both industry and consumers. This bill implements those improvements and new initiatives.

One such new initiative is the recognition of the CodeMark building product certification scheme, which is an initiative of the Australian Building Codes Board. The CodeMark scheme will recognise and accredit building products and components that comply with the building code of Australia, such as fire doors or glazing. The scheme will provide building designers with certainty that when these building products are employed in the design of buildings they will be accepted by building certifiers as being compliant with the building code. In order to give the scheme legislative effect, the bill creates a new section 139A of the Building Act.

Clause 1.2 will improve the operation and efficiency with which the provisions relating to the issuing of notices to carry out work can be applied. This will provide benefits to members of the community who may have experienced the effects of deficient building or construction work for which a notice needs to be issued. The amendment replaces a requirement that the registrar conduct an inspection prior to issuing a notice to carry out building work with a requirement that the registrar be satisfied on reasonable grounds that certain conditions are met.

The government recognises that in some instances the registrar may need to rely on technical reports in order to be satisfied that the conditions are met and that the order should be issued. Given the range of building-related issues, conducting an inspection may not always be sufficient to satisfy the registrar. Clause 1.17 of the bill creates a new part 14 in COLA to deal with transitional matters. This amendment will extend the provisions of COLA to work undertaken by licensees or former licensees prior to the introduction of the new COLA regime in September 2004.

The omission of references to certain repealed laws was an oversight at the time the new regime was created and it is necessary to ensure that licensees are held responsible for work they conducted under the old legislation, which was in operation a little over 18 months ago. Not to do so would create a loophole. This will further strengthen the ability of COLA to protect consumers and ensure the safety of building and construction work in the ACT.

The bill makes a number of amendments to the area of plumbing under the Water and Sewerage Act 2000 and, significantly, the bill will recognise the plumbing code of Australia. The plumbing code is similar to the building code of Australia and will become a national document recognised by all jurisdictions and will recognise a consistent set of plumbing standards across Australia. Currently recognised by South Australia and Queensland, the document is in the process of being recognised by other states and is a step towards the COAG objectives of achieving a consistent set of building industry standards across Australia.

The bill will also amend the Construction Occupations (Licensing) Regulation 2004 to create a new construction occupation class of irrigation class plumber and will make minor amendments to clarify the types of work that constitute plumbing for the purposes of the act and to achieve consistency in the technology used. Industry has been seeking a licence system for large-scale irrigation works to reduce consumer costs for that kind of work.

The bill addresses inconsistencies in the way that the act currently applies to partnerships and individual licensees. This further strengthens the consumer protection that is already offered by COLA with regard to licensing arrangements for entities and individuals.

The COLA package introduced a number of consumer protection provisions to ensure that those members of the community offering these types of services are adequately licensed and consequently adequately skilled to undertake the work and subject to an appropriate regulatory and disciplinary regime. These consumer protection provisions relate, for example, to the advertising of certain construction services and create offences for offering such services while not licensed.

Since the introduction of COLA, the ACT Planning and Land Authority has successfully undertaken efforts to identify people offering construction services who advertise without providing licence details, some of whom are not adequately licensed. The authority has been able to take steps to deal with such people under the legislation, offering protection to unsuspecting consumers. The provisions of this bill will further enable the authority to ensure that consumers are properly protected.

The bill also makes other consequential amendments and minor wording changes to achieve consistency throughout legislation. Again, I thank members for their support and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Visitors

MR SPEAKER: I would like to acknowledge some people who have been with us today, some Scouts from the Brindabella unit of the Southwell Scout Group and from the First Aranda Venturers. Welcome.

Working Families in the ACT—Select Committee
Amendment to resolution of appointment

MRS BURKE (Molonglo) (5.55): I seek leave to move a motion concerning the Select Committee on Working Families in the ACT.

Leave granted.

MRS BURKE: I move:

> That the resolution of the Assembly establishing the Select Committee on Working Families in the Australian Capital Territory, agreed to on 5 May 2005, be amended as follows: Omit paragraph (3), substitute:
>
> "(3) noting that the Committee has tabled an interim report which indicated at paragraph 5.12 that time and evidence are needed to reliably and validly determine the effects on working families in the ACT of reforms to the industrial relations system:
>
> (a) suspends the operation of the Committee from the date this motion is agreed to until March 2007; and
>
> (b) calls on the Assembly to amend the terms of reference in March 2007 in light of comments in the interim report; and".

I thank members for their understanding earlier today and also for agreeing to this matter being heard at this hour of the day. I put forward this amendment with a clear point of view. The Select Committee on Working Families in the ACT should not continue at this point in time to conduct proceedings on an apparent investigation into the work choices federal legislation and its impact on Canberrans. To continue would be to draw a very long bow indeed. Put simply, I am calling for the committee to be suspended and resumed in March 2007, when we should as a committee then be in receipt of a good deal more information on the effects of the federal government's legislation on working families.

All members of the Assembly would agree that a sensible and measured approach to researching and reporting on such important issues should be a part of the business of the committee system. However, it is pointless to continue to hold meetings until such time as enough substantive evidence of the effects and subsequent impacts, good or bad, of

any new change to federal industrial relations law is collected and digested, and then it can be deliberated upon.

Let us not forget the purpose and intent here of select committees. I believe that their whole reason for existing is to look into important matters as expeditiously as possible and then report back to the Assembly with outcomes. My call to suspend this committee until March 2007 stands. What may occur between now and that point in time will obviously require observation, but it would appear to be fruitless to continue to meet on a matter on which there is no substantiated evidence to support or warrant the continuation of this select committee at this time.

One has honestly to question whether the continuation of this committee is the best use of already heavily stretched and overburdened resources, both human and financial. Can we seriously say that we are continuing with this committee for Canberrans? Come on! We must, of course, debate this important matter and understand the impacts on the Canberra community once they become fact. At the moment, it is just fiction and no more.

I note with interest that on 2 March 2006 the Chief Minister indicated publicly that the ACT government, along with other state and territory jurisdictions, would intervene in a High Court challenge over the commonwealth's Workplace Relations Amendment (Work Choices) Act 2005. The Chief Minister stated in a press release on 2 March 2006 that he was concerned and said:

> The new legislation has made fundamental changes to the workplace-relations system in Australia. It contains provisions that are intended to give it exclusive effect, overriding State or Territory industrial laws and laws that generally affect employment—other than long service leave.

He expressed some anxiety that some ACT laws would potentially be affected by work choices, including our Parental Leave (Private Sector Employees) Act 1992 and the Holidays Act 1958. I would agree that some form of investigation should be undertaken to ensure that the rights and entitlements of workers in the territory are not placed under any undue threat. Perhaps the Select Committee on Working Families in the ACT, when it is reconvened at an appropriate time rather than continuing to exist without substantive reason, will be in a much better position to undertake some form of research and report on the impacts on ACT legislation of the work choices legislation.

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

Adjournment

Industrial relations

MR GENTLEMAN (Brindabella) (6.00): Mr Speaker, tonight I stand here to reaffirm my commitment as a dedicated member of this ACT government and of the labour movement. This week we have seen the highs and the lows of government. On Tuesday, Chief Minister Jon Stanhope introduced a bill on the rights of same-sex couples to engage in a civil union—yes, finally to allow same-sex couples to have respected

relationships that are recognised by ACT laws—but, as usual, there was unbelievable opposition to allowing all of our community to have the same rights. Not only have the local Liberal Party voiced their opposition to the introduction of this bill, but also today we heard federal attorney, Phillip Ruddock, speak out about his opposition to the bill and what his government will do to make the ACT work to dissolve it. That is appalling, but that is what we have come to expect from the Liberal Party.

Let's look at the defence they are putting up to protect their federal colleagues on work choices. Today, Mrs Burke moved a motion to suspend the working of the select committee of which both she and I are members. Thankfully, the motion has not passed as yet. In our opposition to Mrs Burke's motion, I will speak about the work that the committee will do on discovering the effects of the radical IR changes on families in the ACT. These changes have already affected at least one family in the ACT.

As many of you are aware, the federal government's work choices legislation came into effect on Monday, 27 March. The very next day—Tuesday, 28 March—Mr Tim Bollard was given a letter from his employee, Boral, ceasing his employment. Yes, after three years of full-time employment, Mr Tim Bollard was sacked. As many of you can imagine, this news crippled Mr Bollard. He had been a reliable employee who, even after a work-related injury, had been present at work every single day.

Tim Bollard went home that night and explained to his wife and five children that he would no longer be able to support them, as he was unemployed. Tim tried to sleep that night but, as he still had to find a way of making a living and supporting his family, that became increasingly difficult. He got up and started making placards and headed into Boral to voice his concerns to the management. By 6.00 am, many of Tim's workmates had arrived to support him in his objection to being made redundant.

It was not long before all of Canberra had heard about the battle Tim Bollard was fighting and the support he was receiving from his mates in the workplace. He had worked at Boral for three years and for two of those years he had worked in the job that he was doing the day he was sacked. The reason Tim Bollard's employer gave as to why he was terminating Tim's employment was that he was unfit to perform his duties and was therefore no longer needed in the workplace—unfit to perform the duties that Tim had been doing on a daily basis over the past two years. What a load of rubbish! Boral finally had an excuse to sack Mr Bollard: the federal government's work choices legislation.

Thankfully, with help from Mr Bollard's union, the Transport Workers Union, and the support of his work colleagues, he was reinstated on a temporary basis until 3.00 pm this afternoon. At that time, both Boral and Tim Bollard were to attend a meeting to discuss whether Tim Bollard would remain employed. I am here to report that Tim Bollard has been reinstated as an employee of Boral, with the same rate of pay and the same conditions as he was previously receiving.

This reinstatement was largely because of the support that Tim received from his union—yes, Mr Mulcahy, who is not here at the moment, his union; the union that was there to support Mr Bollard and work with him to receive the best possible outcome against such atrocious industrial relations policies; the union that the Liberal Party both federally and locally are opposed to; the union that is there to protect the rights of

working families; the union that I am pleased to be a member of and to support the work that it does for its members, many of whom are my constituents and saw fit to elect me as a representative of them.

I am proud to stand here tonight and be able to talk about a happy outcome to Mr Tim Bollard's story. I just hope that the next story that comes to my attention has the same happy outcome, although, as more employers learn about work choices, I feel that the end results will not be happy ones.

Water–excess usage charge
CREATE foundation

MR SESELJA (Molonglo) (6.05): I want to bring to the attention of the Assembly a matter that has been raised with me by a constituent. The constituent contacted me about a bill that he has received for excess water usage. He went away for a period of about three months, which was the bulk of the billing period in question. After he returned, he received a bill for almost $3,000. He has been resident at the same address for almost 50 years and has historically been a low water user. His usage over the preceding two years had averaged 115 kilolitres. The bill in question was for a usage of 1,711 kilolitres.

According to the master plumbers association, such usage would involve a tap running full bore for a period of 40 days. I understand from neighbours who were looking after the property and from other reports that there was no sign of water damage and there were no other signs that such massive water use could have been occurring while he was away. Understandably, he was quite shocked to get such a high bill, and now, of course, every bit of water he uses is charged at the highest rate, which is further compounding his hardship.

When ActewAGL notified him of the high bill, they did so by letter dated six days after the meter was read. The letter was received some days after that. Presumably, ActewAGL were not sufficiently concerned at the extreme water usage to warn the resident in case a problem existed that he could have rectified. Phone contact with ActewAGL has confirmed that the only recourse the resident had was to have the meter reading checked and then to have a leaking tap check undertaken. However, as it stands, there seem to be no appeal provisions and this older resident will simply have to foot the bill.

I have written to the Chief Minister on this matter. I was not expecting the Chief Minister to have responded yet, but I was amazed at the lack of sympathy from ActewAGL. I am bringing this matter to the attention of the Assembly because it does seem to me that there needs to be some sort of appeal mechanism against that. There is a prima facie case that that amount of water probably was not used and that, if it was, it was done through some illegal means. I think the people of Canberra actually deserve some sort of recourse when they get slapped with massive bills in such circumstances.

Mr Speaker, I also want to speak tonight about the CREATE Foundation, which I attended today and spoke to some of the members in relation to their training of consultants. The CREATE Foundation was established in July 1999, replacing its 1993 predecessor, the Australian Association of Young People in Care. CREATE has as its goal to improve opportunities for children and young people in care who have been

unable to live with their birth parents through no fault of their own. CREATE aims to provide children and young people within the care system with opportunities to connect positively with their peers in care, to be empowered to participate in the decision-making process that affects their lives and their communities, and to be a part of positive change within their lives and communities. Canberra CREATE offers, amongst other things, young consultant training, which is what I was helping out with today.

I was asked to give a speech to them about public speaking and I felt quite inadequate, but I think that we had quite a fun discussion today. We got off the topic of public speaking quite a bit and I had a question from one of the participants about whether I like John Howard, although the words were a little bit stronger than that. The same participant asked me whether my colleagues liked John Howard, to which I responded that I think that John Howard has been a fantastic Prime Minister.

I was also asked whether I had a driver or whether I had a sports car. These were some of the questions, but there were also some questions more related to the topic of public speaking, about preparation and about getting nervous and answering tricky questions. I did find it quite a fun experience. I have been told that they are going to read the *Hansard* and I am going to have to tell them how long I spoke for and they are going to measure how many words per second I actually speak because I told them that I do tend to speak fast and used to speak even faster. So I am looking forward to them getting back to me with my figures on this one. I am trying to get through a bit of information here.

The other thing that happened is that we did a bit of a straw poll on extending voting to 16 and 17-year-olds and we had a bit of a split room. Dr Foskey probably still has some work to do to convince the average young person that they should have the right to vote from the age of 16.

Mr Speaker, it was an excellent experience. I really did enjoy myself. I think that they are doing some very good work and I look forward to seeing how they progress. I did have a lot of fun and I am looking forward to getting the results back as to how many words per second I have spoken in the last four minutes and 40 seconds, and now I will sit down.

Death of Mr John Agnew

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (6.09): It is with deep regret that I inform the Assembly that John Agnew OAM, principal of the Department of Education and Training's instrumental music program, passed away early on Wednesday morning.

Many of the members of the Assembly will be familiar with the work that John has done as an educational leader of this internationally renowned music program over the last 17 years. Your children may have been offered the opportunity to learn an instrument or you may have been entertained by one of the four combined bands that he has run to provide a challenge for the program's more talented students.

During his time as principal of the IMP, John extended the program from 24 to 40 primary and secondary schools, and each year 1,700 students are gently helped over

the hurdles of learning an instrument. Over the years, John touched the lives of over 28,000 children and their families in the ACT.

John's commitment to the professional development of our teachers greatly enriched the music programs being offered across the system. He ensured that his staff worked closely with school-based teachers to increase their skills and gave them recognition for their work and the opportunity and encouragement to conduct a massed band on stage at the annual Bandstravaganza.

John regularly invited world-renowned conductors to present workshops to ACT teachers and continually sought to develop his own professional knowledge and skills. ACT bands have been showcased internationally through John's willingness to tour the senior concert band and to host bands from other countries. In doing so, he developed close relationships with people and organisations in our sister city, Nara, in Japan and established a regular exchange with the school there. John was appointed to the Canberra-Nara sister city committee last year. News of John's passing has already travelled to Nara and I have seen a couple of emails as to the sadness and loss being felt over there.

John's other achievements include the establishment of the annual ACT School Bands Festival, the convening of last year's inaugural Australian Music Educators National Conference, and the development of curriculum and reporting documents.

John was recognised by his colleagues and has received national and international awards for his many contributions to the music education of our young people. He was awarded a Churchill Fellowship, the Paul Harris Fellow Award, two grants from the Australian American Education Foundation and, in 2000, the Medal of the Order of Australia for service to music, education and youth. In 2005, he was elected Fellow of the Royal Society for the Encouragement of Arts, Manufactures and Commerce. In 2005, John was successfully nominated by his colleagues for a departmental award for outstanding contribution to supporting quality education and training.

ACT government education has been greatly enriched by the instrumental music program and John's passion, vision, direction and enthusiasm. His absolute belief in its importance to our students ensured that it built and maintained its status as a nationally renowned program.

I extend my deepest sympathy to John's wife, Naida, and his family at this time, on behalf of the ACT government and, I think, the ACT Assembly, and assure them that the ACT education community highly values the many quality contributions John has made to our children and that he will be greatly missed.

Policing—Erindale centre

MR PRATT (Brindabella) (6.13): Mr Speaker, I get up today to follow up on a loose end coming out of the MPI that I ran this afternoon on shopping centre security. I was initially perplexed, a little puzzled and somewhat amused to hear Mr Gentleman say that he was at Erindale shops on Saturday morning, after I had already spoken about the situation at Erindale's Gartside Street shops. He said that he was there on Saturday morning and he did not see any people coming up and complaining about shop security.

I think that Mr Gentleman must have been at the main Woolworths shopping complex at Erindale. I am sure that if he had been at Gartside Street, where I was picking up 86 very willing signatures to a petition, he would have heard about the problems that shopkeepers are having down there. Let me just clarify the record. I was down there on Saturday morning for a couple of hours from half past 10 and he certainly was not there. I am assuming that he must have been over at the main Erindale shops.

Amnesty International photographic exhibition
Violence against women

MS MacDONALD (Brindabella) (6.14): I rise tonight to highlight Amnesty International's *Living under constant threat* photographic exhibition that finished recently at the Tuggeranong Arts Centre. Exhibited from 8 to 27 March, the exhibition featured the work of seven photographers from seven countries, documenting the lives of woman who live under constant threat from their families, their societies and their governments.

The exhibition was held to mark International Women's Day, and the images tell the stories of women from all over the world. One image told the story of Darfur, where Sudanese women and girls are being raped, abducted and forced into sexual slavery by the Janjawid militia, with the complicity of the official army. To flee violence, women take shelter at the Bredjing refugee camps set up in Chad.

Another image shows the "IN3", a female prison camp in Dwoebratski, Russia. The camp was built in 1932 by Stalin. The camp now holds 1,300 prisoners, of which 100 are HIV infected. There is barely any medication available. In the past year, five women have died of AIDS.

These often confronting but beautiful photographs show the plight of women across the world and identify Amnesty International's commitment to eradicating violence against women. Each year, the lives of millions of women are affected by beatings, rape, abduction, torture, intimidation, humiliation and discrimination. The perpetrators can be strangers, soldiers or officials, colleagues or employers, partners, relatives or friends.

Violence against women cuts across the boundaries of wealth, race and culture. It is not confined to particular political or economic systems, but pervades every society in the world. As in the rest of the world, Australian women across the country, social groups, cultures, ages and professions are affected by violence. Current Australian statistics reveal that one in three women have experienced violence while in intimate relationships.

Amnesty International is working hard to rectify this situation, and in March 2004 it launched a six-year campaign to stop violence against women. The campaign aims to bolster the efforts of women's rights movements across the world and emphasises the responsibility of the state, the community and the individual to take action to end violence against women.

Mr Speaker, I think it is important to note that currently 54 countries still have laws that actively discriminate against women, 79 countries have no laws against domestic

violence and 127 countries have no laws against sexual harassment. Exhibits such as *Living under constant threat* help raise awareness that violence against women is still a major issue in our society.

Whilst I had the opportunity to view the exhibition only briefly, Amnesty International's ACT branch community campaigner, Bede Carmody, has informed my office that the exhibition was well visited and a number of school groups attended the arts centre specifically to view the photographs. Bede said that they hoped to display the photos again in Canberra in the near future, so I look forward to having the opportunity to view them in more detail and urge all to do so when they are displayed again.

On a final note, I know that we are now at the end of March, and International Women's Day is at the beginning of March, but I think that this is something that we should continue to raise, and exhibitions such as this photographic exhibition do continue to highlight that it is a joint responsibility of politicians and the community generally to raise these issues, but as leaders of the community it is up to us to keep it as a top priority.

Amnesty International photographic exhibition
Scouts ACT

MS PORTER (Ginninderra) (6.19): Before I say what I am going to speak about, I would like to reflect briefly on what Ms MacDonald has just said by thanking her very much for sharing with us her experience at the exhibition and saying how sobering it was. It is not, obviously, a new message for any of us. I am sure that all of us have heard such messages before, but she has described the exhibition in such a graphic way. I am sure that the photos were very moving. I was certainly moved just by listening to her and I thank her for bringing the exhibition to our attention tonight.

Mr Speaker, last Friday evening, along with former ACT Senator the Hon. Margaret Reid, I attended the launch of a recruitment drive for Scout leaders at the G centre in Gungahlin. Over the last 18 months, Scouts ACT have arrested a decline in their numbers and are now growing faster than any other scouting region in Australia. That is particularly the case in the Gungahlin area. However, they have become a victim of their own success and they are now in dire need of additional leaders to meet the demand. As part of the recruitment drive, Scouts ACT have produced a promotional brochure to help advertise the benefits of becoming a Scout leader, benefits that extend not only to the leaders themselves but also, obviously, to the young people who are Scout members and also, of course, to the wider community.

As a volunteer leader, you have the opportunity to work with people from six to 26 years of age. Activities are wide-ranging, including abseiling, theatre, diving, snow camping, canoeing and sailing, to mention just a few. The training provided is free and you can become nationally accredited with a certificate IV in leadership or even go up to diploma level, all in your spare time and all while having fun and making a real difference to young people in our community. Qualifications you gain may also give you advanced standing in other areas of education courses and may lead to a wide variety of new job opportunities. It is well known that many people go on to professional careers as a result of the skills they acquire through their volunteer involvement.

Mr Speaker, as a leader, you undertake basic and advanced training, including learning the basics of scouting, leadership, safety, program planning and implementation techniques. The time commitment is variable. However, it is normally once a week during school terms and occasional weekends. Many leaders choose to join the Scouts to enable them to spend more time with their own children as well as make a real difference to other young people. However, you do not have to be a parent or grandparent to become a leader.

The recruitment program launched last Friday evening was made possible by the generous support of the Vincent Fairfax Family Foundation. Vincent Fairfax was a former Chief Commissioner of Scouts NSW. The foundation also helps fund a development officer position with Scouts ACT.

Assistance was also provided by Multifocus, a local technical design and production company whose expertise was invaluable in the production of the brochure. The brochure was designed by a man I have known for many years, Peter Harris, a former schoolteacher who is now Scouts ACT's development officer. It is largely through the dedicated work of Peter that the number of Scouts has grown so dramatically. I pay tribute to Peter's dedication to the youth of Canberra.

Mr Speaker, our youth are our future. I encourage members of our community to seriously consider the challenge of becoming a Scout leader, the challenge that Scouts ACT have put before them. Become a Scout leader and have the time of your life.

Question resolved in the affirmative.

The Assembly adjourned at 6.23 pm until Tuesday, 2 May 2006, at 10.30 am.

Answers to questions

Motor vehicles—home-garaged (Question No 846)

Mrs Dunne asked the Attorney-General, 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) Two cars.

(2) One. The second vehicle was previously garaged at the work place, however due to the premises being broken into and the vehicle being vandalised it is now home-garaged.

(3) (a) One car.

(b) Hackett.

(c) (i) Registration number: 210-948, 78kms were driven to and from work.
(ii) Registration number 210-948, 156kms were driven for work purposes.

Motor vehicles—home-garaged (Question No 852)

Mrs Dunne asked the Minister for Education and Training, 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.

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

(1) 34
(2) 3

(3)

(a) 31

(b) Amaroo 1, Aranda 1, Bruce 1, Chapman 1, Chisholm 1, Conder 1, Cook 1 , Deakin 2, Evatt 1, Fadden 1, Fisher 1, Florey 2, Flynn 1, Fraser 1, Gordon 1, Gowrie 2, Hughes 1, Kaleen 1, Kambah 8, Latham 1, Lyneham 1, Pearce 1, Phillip 1, Scullin 1, Wanniassa 2, Weetangera 1, Yarralumla 1.

(c) (i)
92, 114, 145, 29, 56, 229, 54, 112, 37, 81, 25, 169, 170, 124, 141, 119, 80, 91, 218, 79, 142, 103, 48, 124, 55, 120, 84, 48, 191, 21, 121

(ii)
69, 189, 263, 155, 153, 328, 104, 280, 235, 328, 157, 124, 92, 217, 156, 142, 118, 325, 303, 225, 456, 459, 206, 418, 296, 359, 246, 149, 293, 172, 183.

Motor vehicles—home-garaged (Question No 853)

Mrs Dunne asked the Minister for Disability, Housing and Community Services, 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 Hargreaves: The answer to the member's question is as follows:

(1) Nine.
Seven of the nine vehicles are home garaged, as there is no secure parking available on site. The remaining two vehicles are used by on call staff.

(2) Two.

(3) (a) Seven

(b) Scullin

Queanbeyan (two)

Carwoola

Bonython

		Monash	
		Kaleen	
(c)	(i)	Reg 211 573	19km
		Reg 211 190	202km
		Reg 211 572	178km
		Reg 212 204	180km
		Reg 212 203	127km
		Reg 211 451	51km
		Reg 211 682	74km
(c)	(ii)	Reg 211 573	224km
		Reg 211 190	66km
		Reg 211 572	333km
		Reg 212 204	656km
		Reg 212 203	86km
		Reg 211 451	138km
		Reg 211 682	768km

Motor vehicles—home-garaged (Question No 854)

Mrs Dunne asked the Minister for Urban Services, 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 Hargreaves: The answer to the member's question is as follows:

(1) 134

(2) 25

(3) (a) 109
(b), (c) see Attachment A

(The attachment is available at the Chamber Support Office).

Motor vehicles—home-garaged (Question No 855)

Mrs Dunne asked the Minister for Police and Emergency Services, 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 Hargreaves: The answer to the member's question is as follows:

(1) 27

(2) 25

(3) (a) 2
(b) Farrer; Gordon
(c) (i) 150; 120
(ii) 224; 234

Teachers—bullying (Question No 857)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 14 February 2006:

Why does the Department of Education and Training not have aggregated data on complaints of bullying of teachers by teachers and a breakdown of complaints by school.

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

(1) Information on behaviours or incidents that might be described or classified as "bullying" are reported and recorded differently depending on: who makes the report; the nature and context of the incident; and any consequences. The label "bullying" may or may not, be used by staff to describe the same incident or behaviour at different workplaces.

For example, two similar workplace incidents involving interpersonal conflict between teachers might be reported as a staff grievance; or it may be resolved at the local level by a supervisor or principal; or give rise to a worker's compensation claim; or be managed as a more formal complaint in the school; or be reported to the Human Rights Commissioner as a discrimination claim.

The department collects and reports on data for some of the above (including worker's compensation claims and discrimination claims) but does not use the term 'bullying' as a classification tool.

The department does not have the resources to divert to aggregate all its possible sources of data and information.

Pay parking ticket machines (Question No 858)

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

(1) Further to the reply to question on notice No 637, how much revenue has been raised from pay parking ticket machines in Government-owned carparks in (a) Belconnen and (b) Tuggeranong each month since August 2005;

(2) How much revenue has been raised from parking fines issued in Government-owned carparks in (a) Belconnen and (b) Tuggeranong each month since August 2005;

(3) How often have pay parking ticket machines in Government-owned carparks been out of use since August 2005 in (a) Belconnen and (b) Tuggeranong.

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

(1) The revenue raised from pay parking ticket machines by month since August 2005 is:

(a) Belconnen		(b) Tuggeranong	
Sept 05	$110,597.40	Sept 05	$51,300.55
Oct 05	$103,097.90	Oct 05	$45,070.25
Nov 05	$109,693.15	Nov 05	$56,204.50
Dec 05	$131,248.60	Dec 05	$57,082.55
Jan 06	$102,217.60	Jan 06	$41,735.60

(2) The revenue raised from parking fines since August 2005 is:

(a) Belconnen		(b) Tuggeranong	
Sept 05	$40,950.00	Sept 05	$17,640.00
Oct 05	$33,320.00	Oct 05	$13,300.00
Nov 05	$58,590.00	Nov 05	$18,340.00
Dec 05	$52,500.00	Dec 05	$19,110.00
Jan 06	$36,680.00	Jan 06	$15,680.00

(Belconnen figures include private car parks located behind the Taxation Building and at Lakeview Square)

(3) The total amount of fault calls received for ticket machines since September 2005 is:

(a) Belconnen, 808 (b) Tuggeranong, 372

Our database records the number of calls relating to equipment faults, not the number of faults. One fault will often attract multiple calls, consequently the total number of faults will be considerably less than 808 and 372.

Playground Safety Program Package 6 (Question No 859)

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

(1) How much of the $45 000 for Playground Safety Program Package 6 has been expended to date this financial year;

(2) Which works within Package 6 are yet to be completed and why;

(3) When will these works be completed.

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

(1) All of the $45 000 has been expended.

(2) All works in package 6 have been completed.

(3) There are no outstanding works.

Crime—assaults (Question No 860)

Mr Pratt asked the Minister for Planning, upon notice, on 14 February 2006:

(1) How many (a) assaults and (b) threats have been made against bus drivers and/or passengers in the ACT in (i) 2002-03, (ii) 2003-04, (iii) 2004-05 and (iv) 2005-06 to date;

(2) Of the incidents reported in part (1), how many resulted in (a) injury, (b) compensation and (iii) stress leave;

(3) Of the incidents reported in part (1), how many (i) charges, (ii) convictions or (iii) other penalties were issued.

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

(1)

		2002–03	2003–04	2004–05	2005–06 to date
(a)	assaults	12	4	9	10
(b)	threats	2	Not recorded	4	5

(2)

		2002–03	2003–04	2004–05	2005–06 to date
(a)	injury	12	4	9	10
(b)	compensation	8	4	4	5
(c)	psychological injury*	5	2	1	3

* note: the term 'stress leave' is not used to describe leave in these circumstances as it does not define a diagnosed illness or injury.

(3) This information is not provided to, or kept, by ACTION.

Crime—assaults (Question No 861)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 14 February 2006:

(1) How many (a) assaults and (b) threats have been made against bus drivers and/or passengers in the ACT in (i) 2002-03, (ii) 2003-04, (iii) 2004-05 and (iv) 2005-06 to date;

(2) Of the incidents reported in part (1), how many resulted in (a) injury, (b) compensation and (iii) stress leave;

(3) Of the incidents reported in part (1), how many (i) charges, (ii) convictions or (iii) other penalties were issued.

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

(1) In the absence of drivers' names provided by ACTION, and given the profession of victims of crime is not routinely recorded by ACT Policing, it is not possible to provide data on this issue.

(2) For a response to this question, please seek advice from ACTION buses.

(3) Refer to the response to Question 1.

Disabled parking permits (Question No 864)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 February 2006:

(1) How many disabled parking permits are currently issued and valid;

(2) What is the criteria for obtaining a disabled parking permit;

(3) What is the current penalty or fine for the misuse of such a permit;

(4) How many penalties or fines have been issued for the misuse of a disabled parking permit in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date;

(5) Will the ACT Government be reviewing the disability parking system in the ACT; if so, when will the review be undertaken and when will the findings be available; if not, why not.

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

(1) As of 31 January 2006 there were 14,947 mobility parking scheme (MPS) permits on issue in the ACT.

(2) To be eligible for a MPS permit a person must:

- be unable to walk or have pain or difficulty in walking 100 metres;
- require the use of crutches, a walking frame, callipers, a scooter, a wheelchair or other mobility aid; or
- be permanently blind.

The application form must be completed by the applicant and certified by a medical practitioner or, in the case of the applicant being blind by a specialist eye doctor. A MPS permit may also be issued to organisations that provide transport for people with a mobility disability.

(3) The ACT Road Transport legislation provides offence provisions for the misuse of MPS parking spaces (wide bays) and the misuse of MPS permits. The penalty amount for both these offences is $155.00.

(4) The below table shows the number of parking infringement notices issued to motorists for parking in reserved MPS spaces (wide bays) without a current MPS permit:

Date	**Stop in parking area for disabled**
2002-03	827
2003-04	1,068
2004-05	1,161
2005-06	537 (to 31 January 2006)

Parking infringement notices are not issued for misusing a MPS permit as not all medical conditions are visibly detectable and misuse is very difficult to establish. Alleged cases of misuse of MSP permits are generally reported by the general public and parking inspectors to the Parking Review Office, where they are followed up and if necessary the permit holder is contacted and asked to show cause why the permit should not be revoked.

(5) Urban Services is investigating if there are similar problems identified in the ACT as recently found in NSW. This investigation will identify if a full review of the MPS is required within the ACT.

Graffiti
(Question No 865)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 February 2006:

(1) What are the costs, to the ACT Government, in relation to graffiti removal for (a) each month in 2005 and (b) January 2006;

(2) How many reports of graffiti were made to the "graffiti hotline" for (a) each month in 2005 and (b) January 2006.

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

1 a.

Month	Amount
January 2005	$64,503
February 2005	$89,599
March 2005	$82,599
April 2005	$78,178
May 2005	$72,902
June 2005	$71,813
July 2005	$61,807
August 2005	$63,402
September 2005	$86,747
October 2005	$73,281
November 2005	$62,202
December 2005	$66,469
TOTAL	$873,502

1 b.

January 2006	$96,161

2 a.

Month	Amount
January 2005	67
February 2005	43
March 2005	41
April 2005	40
May 2005	38
June 2005	42
July 2005	26
August 2005	34
September 2005	55
October 2005	59
November 2005	71
December 2005	30
TOTAL	546

2 b.

January 2006	62

Gungahlin Drive Extension (Question No 866)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 February 2006:

(1) How much has been expended on the first construction package of the Gungahlin Drive Extension to date;

(2) What is the estimated total cost on completion of the first construction stage of the Gungahlin Drive Extension;

(3) What is the expected completion date for the first construction stage of the Gungahlin Drive extension.

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

(1) $7.3m (including GST) has been expended to the end of February 2006 on Package A.

(2) $59.6 m (including GST) is the estimated cost of the stage of construction.

(3) The expected completion date for the first construction stage is June 2007.

Roads—green cycle lanes (Question No 867)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 February 2006:

(1) How many green cycle lanes have been installed in the ACT to date;

(2) What are the locations of each of the green cycle lanes and what was the cost of installation;

(3) How many of the green cycle lanes in part (2) have been resurfaced since the initial installation and how many times have they been resurfaced;

(4) If any lanes have been resurfaced, where and why have they been resurfaced;

(5) What is the cost of the resurfacing at each of the locations listed in part (4);

(6) How often is it anticipated that resurfacing of green cycle lanes will need to take place;

(7) Has any research been conducted into extending the life span of the green pavement application once applied; if so, what are the results and will they bring an increase in the life span of the green pavement application or a reduction in its cost; if not, why not.

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

(1) Twentysix (26)

(2) Location of Green cycle lanes

Major Road (site of markings)	Side Road (exit / entry)	Direction
State Circle	Canberra Ave	Woden
Adelaide Ave	Hopetoun Cct	Woden
Adelaide Ave	Hopetourn Cct	City
Adelaide Ave	Kent St	Woden
Adelaide Ave	Cotter Road	Woden

Yamba Dr	Caruthers St	Woden
Yamba Dr	Caruthers St	City
Commonwealth Ave	King Edward Tce	Woden
Flynn Dr	Alexandrina Dr	City
London Cct	Commonwealth Place	South Canberra
Commonwealth Ave	Parkes Way	South Canberra
Commonwealth Ave	Parkes Way (west)	City
Commonwealth Ave	Parkes Way (east)	City
Commonwealth Ave	London Cct	City
Commonwealth Ave	Corrination Drive	Woden
Commonwealth Ave	State Circe Off Ramp	Woden
Belconnen Way	Macarthur Ave	City
Northbourne Ave	Wakefield Ave	City
Hindmarsh Dr	Yamba Dr	Woden
Hindmarsh Dr	Butters Drive	Woden
Hindmarsh Dr	Ball St	Fyshwick
Hindmarsh Dr	Callum St	Fyshwick
Hindmarsh Dr	Melrose Dr	Fyshwick
Hindmarsh Dr	Hindmarsh Drive off ramp	Woden
Hindmarsh Dr	Hindmarsh Drive off ramp	Weston

The cost of installing the green treatment on the pavement averaged $80 per sq.metre.

(3) Three locations resurfaced one time each

(4) Locations of resurfacing

Major Road	Side Road	Direction
Capital Circle	Canberra Ave	Woden
Adelaide Ave	Hopetoun Cct	Woden
Adelaide Ave	Hopetourn Cct	City

The resurfacing of the green cycle lanes undertaken in (4) has been to rectify defects in construction due to poor base pavement, not as a result of failure of the green surfacing.

(5) The replacement of green cycle lanes and pavement on Adelaide Avenue cost $65,000 while the work at Capital Circle was carried out at the contractors cost to rectify a defect.

(6) If constructed properly around 5 to 7 years, or longer in lower traffic areas. Discolouring of the surface may occur if the area is subject to heavy vehicle braking.

(7) Roads ACT is monitoring results in other jurisdictions throughout Australia to ensure that we are using similar treatments and getting the best surface taking into account skid resistance, colour retention and life.

Oaks Estate Bridge (Question No 868)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 February 2006:

(1) Will barriers be constructed over the Oaks Estate Bridge to prevent accidents like that which occurred on 16 January 2006 as reported in The Canberra Times on 21 January, entitled "Barriers to rivers"; if so, when will they be constructed and what type of construction will take place; if not, why not;

(2) Have barriers previously been considered for the Oaks Estate Bridge; if so, when were they considered and what reasons existed for not constructing barriers earlier;

(3) How many accidents have been recorded involving the Oaks Estate Bridge for (a) 2001-02; (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date.

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

(1) Roads ACT has commissioned a consultant to assess the safety of the low level crossing. The report is due to be submitted to Roads ACT before the end of March 2006. Roads ACT will consider the recommendations of the report and implement any agreed recommendations in 2006/07.

(2) The provision of barriers on the Oaks Estate Road Bridge has not been previously considered. Barriers are not normally provided on low-level bridges and causeways subject to frequent flooding because they can trap large amounts of debris, which may result in additional lateral hydraulic loading on the bridge leading to extensive damage or loss of the bridge.

(3) Accident records involving the Oaks Estate Bridge:

2001-02	none
2002-03	none
2003-04	none
2004-05	none
2005-06	three

Roads—rule changes (Question No 869)

Mr Pratt asked the Minister for Urban Services, upon notice, on 14 February 2006:

(1) In relation to the National Transport Commission's proposed changes to Australian road rules, why did Urban Services announce in a media release dated Monday, 30 January 2006 that it was calling for public comment on proposed changes to Australian road rules when there was only three days left before comments were due to close;

(2) Given that the proposed changes to road rules were issued on 7 December 2005, why did Urban Services leave the announcement so late into the comment period;

(3) Is it acceptable that ACT residents are only given a three day window to research and determine if they will make any comments regarding the proposed road rules; if so, why; if not, why not;

(4) What has been done to ensure important information like these changes to road rules can be disseminated to the public in a timely fashion, enabling residents sufficient time to review material and act on their views if necessary.

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

(1) The National Transport Commission (NTC) posted the proposed changes on its website on 9 December 2005, sent messages to approximately 2,500 registered NTC site users and referred the proposed amendments to key stakeholder organisations eg. the AAA, the Pedestrian Council of Australia, the Motor Cycle Riders Association and the Bicycle Council of Australia.

On 6 January 2006 Urban Services emailed details of the proposed changes to local key stakeholders i.e. the NRMA motoring organisation and the local TWU representative, having earlier consulted the Motorcycle Riders Association in September 2005 on issues relating to motorcyclists. It was anticipated that the motoring organisations would consult their membership through their website and publications.

On 16 January 2006 Urban Services also updated its Road Transport website, explaining the background to the proposed Australian Road Rule (ARR) amendments and providing a link to the NTC website for access to the documents and the posting of comments.

All jurisdictions undertook this level of consultation, however most expressed their dissatisfaction to the NTC about the timeframe for consultation. They said that the public consultation period was too short, especially given that it was being conducted over the Christmas - New Year holiday period.

In addition to the above level of consultation, Victoria and NSW took an additional step of placing a public notice in local newspapers on 16 and 17 January 2006 drawing the general public's attention to the NTC website so they could access the documents and provide comments to the NTC. Although it was decided in mid January that the ACT would also issue a media release, some delay was experienced in issuing it, due primarily to difficulties conducting normal business operations at this time of year.

(2) The response to Question 1. contains the information requested by Question 2.

(3) The nationally consistent approach taken by all jurisdictions was to consult with key stakeholder organisations and post documentation on relevant websites. Members of the public who access the Road Transport website had a 19 day window in which to research the proposed changes and post their comments on the NTC's website. ACT key stakeholders eg the motorists organisation NRMA and the TWU had 1 month in which to consult with their constituents.

For future public consultation periods of this type, jurisdictions will strongly suggest that the NTC allow a longer consultation period where the period traverses the Christmas – New Year holiday period.

(4) The concerns of the road transport authorities in the States and Territories about the short consultation period have been noted by the NTC and should ensure that a longer consultation period is established for the next package of amendments to the ARR.

Road Transport Branch is developing procedures for public consultation on proposed amendments to the ARR in consultation with the Community Engagement Unit within the Department of Urban Services.

Crime—investigations finalised (Question No 871)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 14 February 2006:

(1) Further to Table 5A.48 of the Report on Government Services published by the Productivity Commission, relating to (a) unlawful entry with intent, why does the ACT have the lowest percentage (3.6%) of investigations finalised at 30 days when compared with all other States and Territories in Australia, (b) motor vehicle theft, why does the ACT have the second lowest percentage (7.7%) of investigations finalised at 30 days when compared with all other states and territories in Australia, (c) other theft, why does the ACT have the lowest percentage (10.3%) of investigations finalised at 30 days when compared with all other States and Territories in Australia;

(2) Does this trend indicate that property crime investigations are not being resourced sufficiently; if not, why not.

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

(1) It is not possible to provide a definitive answer to this question, as there are many variables that affect the rate at which crimes are cleared across jurisdictions.

(2) There are many factors that influence results in this area.

Crime—drink spiking (Question No 872)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 14 February 2006:

(1) What was the total number of drink spiking incidences reported to police in each month from March 2005 to 14 February 2006;

(2) How many of these cases were followed up by police;

(3) Were any (a) offenders identified and (b) arrests or charges laid; if so, in how many cases;

(4) What work has been undertaken to reduce the incidence of drink spiking, particularly with concerns raised by the ACT Ambulance Service about an increase in suspected drink spiking over the Christmas/New Year period.

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

(1) The total number of drink spiking incidents reported to police from 1 March 2005-14 February 2006:

Month	Reported Incidents of Drink Spiking	Number of Confirmed Drink Spiking
March 2005	9	1 - MDMA (ecstasy)
April 2005	11	0

May 2005	7	0
June 2005	4	0
July 2005	6	1 - MDMA/MDA
August 2005	5	0
September 2005	3	0
October 2005	4	0
November 2005	4	0
December 2005	6	1 - ketamine and methamphetamine 1 - MDMA/MDA
January 2006	5	results not yet available
February 2006	1	results not yet available – considered highly probable

It should be noted that not all of the incidents were confirmed as actual drink spiking incidents. This is the number of alleged incidents reported to police.

Summary of Drink Spiking Incidences over abovementioned period;

- A total of 65 alleged drink spiking incidences were reported over the 12 month period.
- 4 cases confirmed the presence of prohibited substances as follows;
  - 3 cases detected MDMA (ecstasy) which is often voluntarily ingested as a 'recreational drug'; and
  - 1 case detected methamphetamine and ketamine, a known 'drink spiking drug'

Of the 6 reported incidences where analysis is currently unavailable;

- 2 are possible drink spiking incidences occurring in January; and
- 1 is a probable drink spiking incidence occurring in February.

(2) ACT Policing treat all reports of drink spiking seriously and follow up with the complainant on all occasions.

Police urge all complainants reporting within 72 hours from the time of the alleged incident to supply blood and urine samples for analysis. Of the 65 reports investigated by Police, 34 complainants provided samples for analysis. The remaining 31 complainants either denied testing or reported outside the required 72 hour period.

(3) (a) One suspect has been identified in an unconfirmed incidence (results not yet available).

(b) No persons have been arrested, and no charges have been laid.

(4) Drink Spiking Harm Minimisation strategies are as follows:

(a) ACT Policing and ACT Ambulance Service media release issued 6 January 2006. This was targeted at increasing public awareness of drink spiking and suggested strategies to prevent becoming a victim.

It should also be noted that increased public awareness of drink spiking might lead to an increase in reporting, including false reporting.

(b) ACT Policing is a member of the National Drink Spiking Advisory Group which is developing resources for a national drink spiking education and awareness campaign targeting police, emergency department and liquor industry staff. The resources will be available by the middle of this year for dissemination.

(c) ACT Policing continues to raise awareness in the community through education packages which includes brochures and a DVD. Education packages have been developed specifically for new recruits and response members. A more sophisticated package has been developed for the Sexual Assault and Investigation Courses.

Appropriate procedures, forms and guidelines have been developed and disseminated to all of ACT Policing in order to assist in the investigation of non sexual assault drink spiking incidents.

Emergency Services Authority—broadband data links (Question No 873)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 14 February 2006:

(1) Further to the response to question on notice No 805, has the Woden State Emergency Service (SES) now been connected to broadband links; if so, when was this connection finalised; if not, when does the Minister expect the broadband connection to be finalised;

(2) As stated in part (4) of the response that Tidbinbilla is not connected due to technical difficulties, how does the Minister plan to ensure that Tidbinbilla is not left out when it comes to provisions of increased connectivity and capacity via broadband links;

(3) Is the Government looking at ways to improve connectivity and capacity via broadband links for Tidbinbilla; if not, why not; if so, what work is being undertaken.

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

(1) Yes; 13 December 2005.

(2) See answer to part (3) below.

(3) The Government has received some indicative pricing for a broadband solution to the Tidbinbilla Bushfire Shed. However, when considering the capital and recurrent costs of the connection it is not financially viable to proceed, taking into consideration that the shed may be moved to a new location within a couple of years.

A process has been implemented to make sure all essential information is being provided to the Brigade, through the Brigade Captain.

Education—indigenous programs (Question No 876)

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

(1) What plans does the Minister have to expand the "Wots Up Down South" Indigenous Program model to all ACT schools;

(2) What funding is currently allocated to this program by the ACT Government.

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

(1) The program is not run by the ACT Government, but by the ARTS Factory of the Australian Catholic University.

(2) Over the past three years the ACT Government has allocated some $28 000 to the ARTS Factory to run a series of programs in support of strengthening Indigenous school communities. It has done this through the Adult and Community Education (ACE) program, for which grants are awarded on a competitive basis to providers of adult (not school) education programs. In 2006, the ARTS Factory will receive $14 751 to run a program entitled *The Three C's (Culture, Communication and Connectedness)*, building on the success of the previous three programs.

Housing ACT—property values (Question No 878)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 14 February 2006:

What is the estimated total value of Housing ACT properties where the tenant is (a) in receipt of a rental rebate and (b) a full market renter.

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

(a) $2.556b

(b) $0.426b

Housing ACT—property allocations (Question No 879)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 14 February 2006:

(1) Further to the response to question on notice No 769, in the first half of 2005-06 did Housing ACT meet its target of allocating the majority of vacant properties within 29 days from the date the property was first vacated; if not, what is being done to ensure targets are reached in the second half of the 2005-06 financial year;

(2) What percentage of properties were allocated in the first half of 2005-06 within 29 days from the date the property was first vacated.

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

(1) No. Housing ACT has assessed the vacants process and identified three areas in which improvements will be made:

- more accurate recording of the status of each property as it moves from vacancy to being ready to re-tenant;
- minimising the delays experienced as tenants consider first and second offers; and
- working with the new maintenance provider to minimise the time taken to undertake required repairs and maintenance

(2) 50%

Housing ACT—tenancy agreements (Question No 880)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 14 February 2006:

(1) Further to the response to question on notice No 767, what was the total number of tenants who breached their tenancy agreements in (a) 2003-04, (b) 2004-05, and (c) 2005-06 to date;

(2) What was the total number of tenants evicted in (a) 2003-04, and (b) 2004-05, and (c) 2005-06 to date;

(3) How does the Government explain the reduction in both tenancy breaches and evictions as identified in the reply to parts (3) and (4) of question on notice No 767.

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

(1) (a) 2003-04 - Housing ACT issued 1,004 Notices to Remedy and 329 Notices to Vacate.
(b) 2004-05 - Housing ACT issued 944 Notices to Remedy and 201 Notices to Vacate.
(c) 2005-06 - as at 21 February 2006 – Housing ACT has issued 638 Notices to Remedy and 128 Notices to Vacate.

(2) (a) 2003-04 – 40
(b) 2004-05 – 12
(c) 2005-06 – as at 21 February 2006 – 15

(3) Tenants were complying with the terms of their tenancy agreements.

Housing ACT—tenant participation (Question No 881)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 14 February 2006:

(1) How many times did the "Joint Champions" Group meet during 2005;

(2) What were the ambitions, goals and outcomes of the "Joint Champions" for 2005;

(3) How many people are currently involved with the group;

(4) What has the "Raising Our Voice" project achieved to date;

(5) How is tenant participation currently being implemented amongst public housing tenants.

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

(1) Four.

(2) Promoting tenant participation in public housing.

(3) 23 tenants and Housing and Community Services staff as required.

(4) The project, finalised mid way through 2005, provided advice to the Department on enhancing tenant participation in public housing.

(5) Tenant participation is being implemented in line with the Department's response to the "Raising Our Voice" report's recommendations, which was released in October 2005.

Swimming pool fencing (Question No 882)

Mr Seselja asked the Minister for Planning, upon notice, on 14 February 2006:

(1) Why are existing private swimming pools exempt from the requirement to be fenced with safety fencing, preventing access from outside the property and from the house;

(2) What measures has the Government taken to ensure that perimeter fencing for existing pools is adequate to protect neighbouring children from unauthorised access to a pool.

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

(1) Swimming pools in the ACT are not exempted from the requirement to be fenced with safety barriers, preventing access from outside the property and from the house.

There is a small-pool exemption which has been in place for over 35 years, for pools that can contain less than a 300mm depth of water; these are essentially children's wading pools, which are often inflated or assembled for short term use.

(2) The ACT Planning and Land Authority has building inspectors who are expert in applying the pool barrier provisions of the Building Code of Australia and who inspect suspected cases of unlawful pools which are brought to the attention of the Planning and Land Authority.

The *Construction Occupations (Licensing) Act 2004* contains powers to issue emergency rectification orders. Those powers were specifically designed to cater for situations where for example a builder has constructed a pool and filled it with water before the required fencing was installed in compliance with the Building Act. Emergency rectification orders can apply to pools constructed up to 10 years ago.

Additionally, the *Building Act 2004* has enforceable provisions that permit the ACT Construction Occupations Registrar to order landowners to make safe any building, including pools (old or new), that the Registrar believes are a risk to safety or health, or are not suitable for use. Those orders can apply to pools of any age.

EpiCentre development (Question No 883)

Mr Seselja asked the Minister for Planning, upon notice, on 14 February 2006:

In relation to question on notice PE 56, asked during the recent annual reports hearings, regarding the signage associated with the EpiCentre development on the corner of Canberra Avenue and Hindmarsh, does the cost of the sign of $34 755 include all costs including landscaping, associated with provision of the sign; if not, what additional costs are associated with provision of the sign.

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

The cost of the sign provided in response to question PE 56 did not include landscaping. The landscaping cost was an additional $12,000.

The EpiCentre site sold at auction for $39,000,000.

Gungahlin Regional Community Service (Question No 885)

Mr Seselja asked the Minister for Planning, upon notice, on 14 February 2006:

What plans have been made to provide the Gungahlin Regional Community Service with a dedicated drop off spot for children and the disabled.

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

(1) I am advised that there is a lay-by currently being constructed off Ernest Cavanagh Street, near the intersection with Gungahlin Place. It allows for 15 minute parking, and will be available to the Gungahlin Regional Community Centre. Given it is within the public road reserve, it is not possible for it to be purely dedicated for children and the disabled.

The carpark for the new Child and Family Centre, which is under construction on the opposite side of Gungahlin Place, will include two parking spaces for persons with a disability and one space for a small bus.

The Land Development Agency has authorised the temporary use of land immediately to the north of the Gungahlin Regional Community Service for the purpose of pick up, setdown and parking for service vehicles of the Gungahlin Regional Community Service during construction of the Child and Family Centre.

Healthpact grants
(Question No 887)

Mr Stefaniak asked the Minister for Health, upon notice, on 15 February 2006:

How much Healthpact funding, in both percentage and dollar terms, of total Healthpact grants was allocated to (a) sporting bodies and (b) recreational activities for (i) 2002, (ii) 2003, (iii) 2004, (iv) 2005 and (v) 2006.

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

Financial Year	Total Grants and Sponsorships	Notes	Sporting bodies	%	Recreational groups	%
2001-02	$1,746,800		$372,500	21%	$81,000	5%
2002-03	$2,023,000	1.	$464,500	22%	$71,200	4%
2003-04	$2078,000	1.	$588,740	28%	$105,194	5%
2004-05	$1,928,000	2.	$374,683	20%	$80,935	4%
2005-06	$1,826,873	2,3. &4	$313,475	17%	$146,151	8%

Note:
1. During 2002-2003 and 2003-2004 the Authority expended $349,000 of reserves.

2. In 2004-2005 and 2005-2006 the Authority invested in the Healthpact Research Centre on Health Promotion and Wellbeing with the University of Canberra.

3. In 2005-06 the Authority delivered its 2005-08 Strategic Plan. It outlined the authority's mission as 'to encourage health promotion partnerships which strengthen the capacity of people and communities to make healthy choices.' The plan works to advance the Ottawa Charter strategies and takes guidance from Building our Community: the Canberra Social Plan.

4. As FY 2005-06 is not completed, the 2005-06 data is not audited.

Gungahlin—sports fields
(Question No 888)

Mr Stefaniak asked the Minister for Planning, upon notice, on 15 February 2006:

What does the Government intend to do to make more sports fields available to cater for the needs of local sport in the Gungahlin area.

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

The ACT Planning and Land Authority and the Land Development Agency, with the support of other Government agencies, have undertaken a process of identifying future playing fields for our new suburbs in Gungahlin, through structure and concept planning processes.

The following future playing fields are identified: Bonner - one basic sports unit (2 playing fields/1 oval); Casey - one neighbourhood oval with a possibility of the site being enlarged to

a one basic sports unit; Crace - one basic sports unit; Franklin - exploring the opportunities for one basic sports unit; and Jacka – three basic sports units.

In addition, the Territory Plan identifies one enclosed oval for the Gungahlin Town Centre and district level playing fields as well as a neighbourhood oval for Taylor. Concept planning has yet to be undertaken to confirm this provision.

Draft Variation to the Territory Plan No. 231 (East Gungahlin – Suburbs of Kenny and Throsby and Goorooyarroo Nature Reserve) also identifies the provision of future playing fields. Throsby is identified as containing a district level playing facility and a neighbourhood oval in Kenny. Concept planning is yet to be undertaken to confirm the provisions for these suburbs.

The provision of new playing fields is subject to detailed design, capital works funding, and will be timed to be associated with the release of the suburb, consistent with the Metropolitan Development Sequence over the next 20 years.

In the case of Harrison, a development application has been lodged with the Authority for two basic sports units and one neighbourhood oval. Construction is subject to a successful 2006/07 capital works bid.

Wells Station
(Question No 889)

Mr Stefaniak asked the Minister for Planning, upon notice, on 15 February 2006:

(1) Has the Land Development Authority's (LDA) real estate agent had a role in the (a) pricing of land, (b) appraising of land and/or (c) valuing of land for sale as a result of the sale of land at Wells' Station, Gungahlin;

(2) What mechanisms does the LDA have in place to ensure its agent is acting in a fair and proper manner with regard to the sale of land for sale at Wells' Station;

(3) What land, if any, have the principals or employees of LDA's real estate agent purchased or acquired an interest in at Wells' Station.

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

(1) (a) No. Land values are determined by LDA obtaining valuations from independent registered valuers.

(b) The real estate agent has offered an opinion on market conditions but is not involved in pricing.

(c) See (1) (a).

(2) Pricing and management of sales is undertaken by LDA staff, including exchange of contracts and settlement. The agent assisted with marketing and customer services.

(3) LDA is aware that employees of the real estate agent have purchased some land at Wells Station. However these purchases have occurred under the same conditions and prices offered to the general public.

Development—Lyneham
(Question No 890)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 15 February 2006:

(1) Given that a masterplan was completed on Southall Park/Lyneham precinct two years ago yet no money has been allocated to make progress on the next stages of the development, except some $200 000 for further planning activities, when does the Government intend advancing this project;

(2) What will the next stage involve, when will it start and what amount of money is apportioned to each stage.

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

(1) A draft Masterplan was completed for the proposed Lyneham Sport and Recreation Precinct in mid-2004. Community consultation regarding the draft Masterplan was subsequently undertaken from December 2004 to February 2005. To advance the project, the 2005/06 Budget allocated $200,000 to commence a necessary planning study for the Precinct.

(2) Work has commenced on the development of a planning study for the proposed Precinct. Costings are still being finalised.

Good Sport program
(Question No 891)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 15 February 2006:

(1) How much funding was allocated to the Good Sport Territory program;

(2) Was funding redirected from other areas of the bureau; if so, how much and were any positions lost or threatened as a result of the redirecting of that funding.

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

(1) $55,000 was allocated from Sport and Recreation ACT funding to the program in the 2005/06 financial year.

(2) No additional funding was provided to Sport and Recreation ACT from the 2005/06 Budget for the Good Sports Territory program. These funds were made available by redirecting internal program allocations to priority areas as required. No staff positions were lost or threatened as a result of this redirection.

Kids at Play program
(Question No 892)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 15 February 2006:

(1) In relation to the successful program "Kids at Play" targeting childhood obesity, how much funding has been given to the program and has that funding been redirected from other operational funding within Sport and Recreation ACT; if so, how much has been redirected and where within Sport and Recreation did it come from;

(2) Have any people lost their jobs or have positions been abolished because of that redirection.

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

(1) The 2005/06 Budget allocated $100,000 to Sport and Recreation ACT for *Kids at Play* as an agency funded initiative, with $150,000 allocated in forward years to 2008/09 on the same basis. These funds were made available through the standard practice of redirecting internal program allocations to priority areas as required. However, due to the success of *Kids at Play*, its recent expansion and the unexpected increase of some costs, such as vehicle operations and the need to train a larger staffing pool, the actual cost to run the program for a full year is now substantially greater. The source of additional funding is yet to be finalised.

(2) No.

Phillip Oval
(Question No 893)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 15 February 2006:

(1) What are the Government's plans for Phillip Oval and what is to be done with the burned-out buildings;

(2) What is to be done regarding the use of the oval by sporting teams;

(3) Which teams will use the oval;

(4) When is it expected the oval can be used by sporting teams and associations.

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

(1) The 2005/06 Budget allocated $1.700m to upgrade Phillip Oval so that it can again be suitable for sport and recreation activities. Having completed work to clean up the property in 2005, design work is now underway on the options available to Government for the facility. The Government intends to provide for a wide range of local community-level sport and recreation activities at the refurbished facility. The burned grandstand building is still being assessed by its insurer.

(2) The facility will be made available for hire by local sports teams and other users once the upgrade has been completed.

(3) Following the upgrade, Phillip Oval will again be made available for local Australian Rules football in accordance with the terms of the Deed of Surrender between the Government and AFL Canberra. Other sport users are yet to be finalised.

(4) The oval is expected to be ready for play and other use in Autumn 2007.

Sport and Recreation ACT (Question No 894)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 15 February 2006:

(1) In relation to the Functional Review of Government agencies, have any plans been made for Sport and Recreation ACT; if so, where is it envisaged it will be located in the Government structure;

(2) Does it involve a move to another department; if so, why;

(3) What effect will the Functional Review have on the ACT Academy of Sport;

(4) Will it lead to any cuts in funding to the Academy of Sport; if so, why;

(5) Is it envisaged that the number of athlete services and the number of athletes will be cut;

(6) Is it expected that there will be any cuts to scholarships offered to athletes.

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

(1)-(6) The Strategic and Functional Review of the ACT Public Sector and Services, commissioned by the Chief Minister, is currently underway and is not due to provide its report to the Government until April 2006. The Government will formally respond to the review as part of the 2006-07 Budget process in June 2006.

Sports House—rentals (Question No 895)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 15 February 2006 *(redirected to the Minister for Urban Services)*:

(1) With respect to Sports House, is it correct that the rent has been increased effective from 2006 but backdated from 30 June 2005; if so, what was/is the rent for (a) 2001, (b) 2002, (c) 2003, (d) 2004, (e) 2005 and (f) 2006;

(2) Was ACTSport threatened with eviction in 2005.

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

(1) No it is not correct. ACTSport was offered a new three year sublease with effect from 1 July 2005 with rent commencing at $\$65m^2$ per annum. ACTSport has so far not signed the sublease and has continued to pay the previous rental rate of $\$40m^2$. If ACTSport accepts and executes the sublease, it will be deemed to have commenced on 1 July 2005 and ACTSport will owe the Territory the difference in the rental rates for the period up until the sublease execution.

a) The rent for 2001/02 was $\$20m^2$ per annum
b) The rent for 2002/03 was $\$30m^2$ per annum
c) The rent for 2003/04 was $\$40m^2$ per annum
d) The rent for 2004/05 was set at $\$50m^2$ per annum but reduced back to $40m2 per annum to enable ACTSport to discuss rental levels with the Minister for Urban Services.
e) The rent for 2005/06 was set at $\$65m^2$ per annum
f) The rent for 2006/07 was set at $\$85m^2$ per annum

(2) Yes, in November 2005 ACTSport was threatened with possible eviction if it did not sign the previously offered sublease and pay the new rental rate set from 1 July 2005. A new one year sublease offer with a rental rate of $\$65m^2$ per annum was subsequently made to ACTSport to give it maximum flexibility concerning future rental rates when the new Urban Services Community Rental rates are determined shortly.

Sport and recreation—grants (Question No 896)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 15 February 2006:

(1) With regard to the national league team funding, is there any plan as a result of the Functional Review to cut that funding which currently stands at $570 000; if so, which teams will be cut from funding;

(2) With regard to the sports grants' program, is it correct that the grants for 2006 have been cut as a result of the Functional Review; if so, by how much and what programs have been cut;

(3) With respect to grants to sport, is the Functional Review looking to centralise the sports' grant programs with other grants' programs; if so, why.

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

(1)-(3) The Strategic and Functional Review of the ACT Public Sector and Services, commissioned by the Chief Minister, is currently underway and is not due to provide its report to the Government until April 2006. The Government will formally respond to the review as part of the 2006-07 Budget process in June 2006.

Parks and places—budget cuts (Question No 897)

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 15 February 2006:

(1) What cuts, if any, were made to the operational budget of parks and places for (a) 2004, (b) 2005 and (c) 2006;

(2) In relation to the Functional Review, is it envisaged that further cuts will be made to the maintenance of parks and places, which looks after services to sporting and recreational groups in the ACT; if so, how will cuts be made to these areas.

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

(1) a) 2003/04 - $0

(1) b) 2004/05 - $435,000

(1) c) 2005/06 - $585,000

(2) The Functional Review is ongoing therefore it would be pre-emptive to speculate about its recommendations.

Government—logo (Question No 898)

Mr Smyth asked the Chief Minister, upon notice, on 15 February 2006:

(1) Why did the ACT Government decide to create a new logo;

(2) What was wrong with the old logo that warranted a new logo;

(3) Why wasn't the new logo created when the Government also created the Building Our City, Building Our Community (BOC BOC) logo;

(4) Why will the BOC BOC logo now only be used for "big projects";

(5) How does the Government define a "big project";

(6) Was the $10 000 spent on the BOC BOC logo a waste of money; if not, what value did the ACT receive from this logo;

(7) Who created the new (a) ACT Government logo, (b) ACT Government branding guidelines and (c) website for the ACT Government branding guidelines;

(8) Did those who created the (a) logo, (b) branding guidelines and (c) website already work in the ACT public service; if so, what position did they hold and were they required to undertake normal duties while preparing the new logo;

(9) If they weren't required to undertake normal duties, who undertook those duties;

(10) If they did not already work in the ACT public service, what were the costs associated with the creation of the new (a) logo, (b) branding guidelines and (c) website for the ACT Government branding guidelines;

(11) Given the Government has said that the new campaign is designed to ensure that the ACT Government brand is used consistently across all ACT Government agencies to achieve a uniform visual branding, what is the final date by which it is expected that all agencies will be using new stationery with the new logo;

(12) What is the amount of stationery you expect that will be discarded in ensuring there is consistency across all agencies using this new logo;

(13) Will the new logo be placed on all ACT Government vehicles; if so, what is the expected cost of this plan; if not, how many vehicles will have the new logo placed on them and what will be the cost of this action;

(14) Will the new logo be placed on all agency uniforms; if so, what is the expected cost for new uniforms;

(15) Will individual agencies be expected to place the new logo on their websites or will an information technology provider be hired to undertake this job and what are the costs, monetary and/or time, associated with amending agency websites to include the new logo.

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

(1) The ACT coat of arms is not a new logo. It is an existing logo that has been strengthened to reinforce recognition of the role of ACT Government and its departments.

(2) The application of these images and text in many instances, such as in media campaigns and sponsorships, was not suitable in terms of the quality of its reproduction. A stronger single brand image provides a clearer representation of the ACT Government and its agencies to the Canberra community.

(3) All governments across Australia (except NSW) have undergone a rebranding in recent years – this is a common practice both in the public and private sector.

(4) Where appropriate the 'Building our city, building our community' logo will continue to be used.

(5) This will be at the discretion of the Government.

(6) BOC BOC remains as a component of Government branding.

(7) The new logo was designed by

a) Publishing Services within DUS
b) Communications Unit within CMD
c) Publishing Services within DUS

(8) Yes. Working on logo and branding is core business for CMD Communications and DUS Publishing Services.

(9) See above.

(10) See 7 above.

a) Cost of the logo was $2,500 (Publishing Services' fee-for-service) and $1,000 (graphic designer for logo refinement) (including GST).
b) Nil
c) $2,300 (Publishing Service)

(11) The changeover is expected to take approximately 12 months as has been the case in other jurisdictions.

(12) Nil.

(13) The new logos will be added to marked ACT Government vehicles only as new signage is required (ie at no additional cost to the Government).

(14) New logos will be added to uniforms as they are replaced (ie at no additional cost to the Government).

(15) Yes. As websites are refreshed and enhanced over time in the normal course of business, the new logo will be added. There will be minimal cost to achieve this.

Hospitals—nurses (Question No 899)

Mr Smyth asked the Minister for Health, upon notice, on 15 February 2006:

(1) How many nurses were recruited to work in the ACT Health system in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date;

(2) How many nurses left the ACT Health system in the years listed in part (1);

(3) What is the net gain or loss of nursing staff in the years listed in part (1);

(4) Given that recently the Northern Territory's nursing federation said that nurses at Alice Springs Hospital's Emergency Department were at breaking point and staff were leaving faster than they could be replaced, are there any concerns currently about staff retention at Canberra's public hospitals; if so, what is the Government doing to address the problem.

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

The table below provides figures in response to parts (1), (2) and (3) of your question, as numbered.

	2002/03	**2003/04**	**2004/05**	**2005/06 @ 28 Feb 2006**
(1) Permanent Appointments	144	169	292	121
(2) Permanent Separations	161	179	237	106
(3) Net gain	-17	-10	55	15

(4) Nursing and midwifery shortages continue to be a concern nationally and internationally.

For the three year period 2002-2003 to 2004-2005, the numbers of permanent nursing and midwifery appointments within ACT Health increased.

For the three year period 2002-2003 to 2004-2005 there has been an increasing net gain in nurses and midwives across ACT Health.

ACT Health is continuing to pursue all avenues to cooperate in national initiatives to encourage growth in the nursing and midwifery workforce and to attract and retain highly skilled staff to the ACT.

Hospitals—nurses (Question No 900)

Mr Smyth asked the Minister for Health, upon notice, on 15 February 2006:

(1) What proportion of the $250 000 allocated in the 2005-06 budget for the Nurse Practitioner program has been expended to date;

(2) How many applications have been received for Nurse Practitioner positions in the 2005-06 financial year;

(3) How many Nurse Practitioner positions have been offered in the 2005-06 financial year;

(4) In what field are those undertaking a Nurse Practitioner position specialising;

(5) What is the Government doing to retain in the ACT Health system those who undertake a Nurse Practitioner position.

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

(1) All of the $250,000 has been allocated. This has provided for the establishment of four Nurse Practitioner positions within ACT Health. $99,280 has been expended so far this financial year and it is expected that $166,900 will be expended by 30 June 2006.

(2) Five business plans were received for establishing nurse practitioner positions. Five nurse practitioners positions were approved during the 2005-06 financial year.

(3) Four nurse practitioner positions have been advertised for ACT Health. Two nurse practitioner positions have been offered and two more positions are in the recruitment phase. The fifth position is in the private residential aged care sector and is yet to be advertised.

(4) The nurse practitioner positions are in Aged Care (one position in ACT Health and one position in the private residential sector), Wound Care, Emergency Department and Sexual Health.

(5) The ACT Government is currently implementing a number of strategies to assist in the retention of nurse practitioners that are employed in designated nurse practitioner positions. These include; the establishment of ongoing professional and clinical support structures and processes; a workshop for new nurse practitioners to assist with the development of clinical practice guidelines and medication formularies; planning around the development of those aspiring to the nurse practitioner role and working with service areas to submitting business plans for the establishment of nurse practitioner positions in areas of need.

Clare Holland House (Question No 901)

Mr Smyth asked the Minister for Health, upon notice, on 15 February 2006:

Has the Government given any further consideration to the expansion of Clare Holland House to cater for more hospice patients; if so, what further consideration has taken place

and will this translate to capital funding to allow for an expansion; if not, why not, given there is a high demand for more hospice type beds in the ACT.

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

The current trend and preference for palliative care patients in the ACT is for home based services. Over the past 3 years the average number of people being cared for at home has more than doubled. There is a small waiting list and in general the wait is less than 24 hours for access to a bed at Clare Holland House.

Palliative Care Australia and the ACT Palliative Care Society are also supportive of comprehensive community services to provide for the needs of those requiring palliative care as well as an inpatient facility.

Sports Centre Australia (Question No 905)

Dr Foskey asked the Minister for Economic Development and Business, upon notice, on 15 February 2006:

(1) In relation to Belconnen Pool, was Sports Centre Australia awarded the grant without the required binding letter about finance from ANZ and did it allegedly misrepresent its approved finances; if so, (a) when did the ACT Government discover this information and (b) when and what steps did the ACT Government take;

(2) Did Sports Centre Australia change its finances after it was awarded the tender and what reason did it give for this;

(3) If Sports Centre Australia did change its finances after it was awarded the tender, was it allowed to do so under the contract with the ACT Government;

(4) Did the ACT Government believe at any time that Sports Centre Australia did not meet its request for tender or contract requirements; if so, what steps did the ACT Government take to rectify the situation.

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

(1) No

(a&b) Not applicable.

(2) Yes, SCA did change its finances after it was awarded preferred tenderer status.

This resulted from the fact that the Territory was not able to accept conditions that the ANZ sought to impose on the Territory in connection with the priority of interests between the Territory and the ANZ.

When negotiations between the Territory and ANZ reached a stalemate, SCA had no option but to seek finance terms that did not impose unacceptable conditions on the Territory. SCA was successful in securing an alternative financier with which the Territory was able to reach a satisfactory agreement.

(3) The change in financier occurred after the contract (that is, the Project Agreement and Deed of Grant) was signed. However, 2 points are important in that regard.

First, following on from my answer to the previous question, the change in financier became a new requirement upon SCA because the Territory was not prepared to enter into an arrangement with ANZ that imposed unacceptable conditions on the Territory.

Secondly, the Project Agreement and Deed of Grant provided that SCA had to commit all of its funds (including those financed) until there was only the Territory's grant of $10 million remaining to be expended to complete the project.

(4) The ACT Government at no time believed that SCA had not met its request for tender or contract requirements.

Quamby Youth Centre (Question No 906)

Dr Foskey asked the Minister for Children, Youth and Family Support, upon notice, on 15 February 2006:

(1) At what stage is the review of Quamby's (a) operations, (b) guidelines and (c) standing orders;

(2) When are all of Quamby's (a) operations, (b) guidelines and (c) standing orders expected to be compliant with the (i) ACT Human Rights Act and (ii) Children and Young People Act;

(3) Is the ACT Government attempting to make Quamby compliant also with the (a) United Nations Conventions on the Rights of the Child, (b) United Nations Rules for the Protection of Juveniles Deprived of their Liberty and (c) United Nations Standard Minimum Rules for the Administration of Juvenile Justice;

(4) What legal advice has the Minister commissioned to test if Quamby is compliant with those documents listed in parts (2) and (3);

(5) What specific programs does the ACT Government provide to the residents at Quamby in order to meet the supportive and rehabilitative obligations the Government has to them;

(6) What is the range of offences that has led to the confinement of juveniles to Quamby in the second quarter of 2005-06 on (a) remand and (b) under control orders;

(7) Can the Minister assure the Assembly that, while she has been Minister, each case of juvenile detention at Quamby was (a) the measure of last resort and (b) for the minimum possible time;

(8) Given the ACT Government parental responsibilities for Quamby residents, what action does the Government take to assess the appropriateness of continued detention in each case;

(9) How does the Government meet its obligation to advise residents or take action on their behalf to redress detention orders that do not meet the test of last resort and minimum possible time;

(10) How does the Government meet its obligation to release young people to the community at the earliest possible time, which must be on the basis of an individual assessment in each case;

(11) With respect to abused children and young people who commit offences, or are alleged to have committed offences, and are detained at Quamby (a) what efforts does the Government make to meet its obligation to cater for their needs as victims of abuse, (b) how does the Government investigate the background of residents such that factors contributing to their behaviour, such as parental abuse, may be identified and addressed and (c) how does the Government integrate its range of services in support of such children and young people;

(12) Does the Government recognise the importance of supporting young people in detention in their contact with the broader community, and with specific people of significance in their lives;

(13) Does the Government allow parents or guardians to control who the detainees may contact.

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

(1) A review of the Quamby Standing Orders was undertaken as required pursuant to section 419 (now expired) of the *Children and Young People Act 1999*. This was completed on 30 September 2005.

A further revision of those Standing Orders is nearing completion.

(2) The ACT Government is working progressively to implement the 52 recommendations of the Human Rights Audit of the Quamby Youth Detention Centre to enable compliance with the ACT Human Rights Act and the Children and Young People Act.

(3) Yes. The Government will be seeking to work towards compliance with these agreements through the establishment of the new Youth Detention Centre.

(4) The Human Rights Commissioner's Audit has provided the ACT Government with advice on compliance issues at Quamby.

(5) Quamby provides a case management service to all young people in custody. Programs are provided to children and young people as determined by their needs and interests.

(6) The range of offences for residents on remand during the second quarter of 2005-06 include aggravated robbery, aggravated burglary with intent to steal, burglary with intent to steal, ride motor vehicle without consent, drive motor vehicle without consent.
The range of offences for residents on committal orders during the second quarter of 2005-06 include escape from arrest/custody, burglary with intent to steal and theft, ride motor vehicle without consent, burglary with intent to steal, attempted aggravated robbery, assault occasioning actual bodily harm, aggravated burglary with intent to steal, culpable driving causing death and take motor vehicle without authority.

(7) The determination of whether a young person is held in custody at Quamby Youth Detention Centre rests not with the Minister but with the ACT Children's Court, the ACT Supreme Court or Police.

(8) The Government does not have parental responsibility for each resident of Quamby Youth Detention Centre. Government has a duty of care to all residents of Quamby. The appropriateness of detention and continued orders of detention are matters for the Courts.

(9) All young people who appear before the Court are legally represented. Residents who request to obtain further legal assistance are assisted by Quamby staff to contact their legal representative. In addition, other statutory agencies visiting residents, such as the Official Visitors and the Public Advocate, provide additional advice and advocacy to residents on a range of issues.

(10) Having regard to the young person's conduct and industry or to special circumstances, Section 127 of the *Children and Young People Act 1999* enables the Chief Executive, to reduce the period stated by the Court by not more than one third of the period of the committal.

(11) (a) All residents of Quamby are allocated a case manager who works with Care and Protection Services and other support services to address the identified needs of the resident including issues concerning previous abuse, rehabilitation and restoration to the community. If the young person is currently engaged with Care and Protection Services, the continuity of this intervention is promoted within the custodial setting.

(b) The case management process and the case planning for each resident includes an assessment of their needs and coordination of current and future community interventions to meet these needs. Service provision for young people is also determined by their consent and cooperation to an agreed case plan, unless a specific Court order must be complied with. All Quamby staff are mandated reporters and matters of abuse or neglect are reported to Care and Protection Services for appropriate action.

(c) The integration of service provision to residents is determined through the case management process that includes the views and wishes of the resident and persons with parental responsibility for the resident.

(12) Yes.

(13) The final determination of who visits or contacts a resident of Quamby rests with the Chief Executive, Department of Disability, Housing and Community Services. The views and wishes of the resident and their parents, the needs of the resident, the safety of the Centre and other relevant information inform the decisions of the Chief Executive.

Yarralumla brickworks (Question No 910)

Dr Foskey asked the Minister for Planning, upon notice, on 15 February 2006:

(1) What plans are there to reduce the risk of fire on the site adjacent to the Yarralumla Brickworks following the grass fire on that site;

(2) Are there any development proposals for this site being considered by the ACT Planning and Land Authority.

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

(1) Plans to reduce the risk of fire include the continuation of fire fuel reduction works on the outside of the Brickworks. These include mowing along Bentham Street and to the south east (which exceeds the standards set out in the Strategic Bushfire Fuel Management Plan). In addition the pines along this area and Dunrossil Drive were extensively cleaned up after the January 2003 fires, including lifting of branches, woody weed removal and general debris removal.

A tree audit is currently being undertaken on the site of the 29 December 2005 fire to identify which trees require removal and which of the trees to be retained require branch lifting. Many trees burnt along Denman Street will be removed to allow for an expanded slashing program, and tree stumps closer to houses that back onto the area will be removed to allow easier mowing.

Spraying of woody weeds will continue and mowing in the area adjacent to the brickworks will continue. Land managers will program periodical prescribed burns for the area when fuel loads build up to high levels.

(2) No.

Disabled persons—transport (Question No 911)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

Were certain residents at the Disability Group Home known as Fisher 'B' unable to attend Christmas 2005 activities due to the removal of the vehicle allocated to that particular residence; if so, why did this occur and what efforts did Disability ACT make to organise alternative transport for the resident/s affected.

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

Fisher B is a Respite Service not a Group Home.

Disability ACT is not aware of any planned or proposed Christmas activities that clients were unable to attend due to a car not being available.

Disability ACT—staff (Question No 912)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What are the current arrangements for the general induction of staff who are recruited to work for Disability ACT;

(2) What is the duration of the course and what types of training is offered through the induction.

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

(1) All new staff are provided with an induction course. Prior to the commencement of the induction course, each new staff member is offered an individual interview to establish their specific training needs.

(2) The total duration of the induction is six weeks. The induction is a mix of classroom and on-the-job learning as well as follow-up specialty sessions.

Types of training offered are disability specific, for example, Orientation to Disability, Providing Personal Care, and Autism. There is also a strong focus on Disability ACT Policy and Procedure for example, Administration of Medication, the role of a Disability Support Officer and Individual Planning.

Disability ACT—staff (Question No 913)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) How are staff employed to work in Disability Group Homes in the ACT kept informed of any existing or pre-existing medical conditions of residents within any of the group homes;

(2) If it is determined that a resident has a highly infectious disease, how are staff informed appropriately about such an incident and provided with the necessary equipment to handle a resident;

(3) Does Disability ACT provide staff working in Disability Group Homes with surgical gloves, face masks, aprons and goggles to carry out any procedures which may expose them to infectious diseases; if not, why not;

(4) Have there been any cases of staff contracting an infectious disease, of any form, from a resident or another staff member since 2001; if so, was a full investigation carried out and reported on by Disability ACT.

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

(1) An individual's health and medical issues are documented in the client's Individual Plan, which is reviewed on a regular basis. These plans include protocols for staff in relation to any specific medical support required. Each individual has a client medication record containing procedures for medication administration and recording. Following any medical treatment, medical personnel complete summary forms to advise staff of an individual's treatment requirements.

(2) Disability Support Officers are trained to support clients in all elements of personal care with full regard to the *Standard Precautions. (Standard Precautions* are international, safe work practices applied to the care of all people regardless of their known or presumed infectious status). All Disability ACT protocols reflect these precautions. The department contracts the ACT Community Health Infection Control Officer to monitor its' guidelines and ensure work place procedures comply with best practice. The expertise of the ACT Health Community Infection Control Officer is used to develop additional

protocols and provide staff training, as appropriate, if a client is diagnosed with an infectious disease.

(3) Yes

(4) There have been no cases reported.

Disability ACT—property maintenance (Question No 914)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) Who is responsible for the maintenance carried out on Disability Group Homes managed in the ACT;

(2) What has been the cost of maintenance and general upkeep of all Disability Group Home properties managed by Disability ACT in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date.

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

(1) Housing ACT.

(2) Information for 2001-02 and 2002-03 is not available on the current database.

Financial Year	2003-2004	2004-2005	2005-2006 year to date
Maintenance Costs	$504,930	$568,307	$146,932

Disability ACT—staff (Question No 915)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) How often does Disability ACT carry out a review of its list of current available casual or relief staff who offer support to Disability Group Home staff;

(2) When was the last review carried out to ensure the list was up-to-date;

(3) What training does Disability ACT offer to casual or relief staff who work in Disability Group Homes.

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

(1) The list of current available casual or relief staff is reviewed on a fortnightly basis or as necessary. Disability ACT telephones all casual staff on a fortnightly basis to check on their status and to ensure they have no issues or concerns.

(2) 4, 5 and 6 March 2006.

(3) Disability ACT Casual Staff are required to attend the same training courses as permanent employees. Quest provides training on specified topics to staff who are available to work with Disability ACT.

Disability ACT—incident reports (Question No 916)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) How many incident reports have been lodged with Disability ACT through the Accident Incident Management System for (a) 1999-00, (b) 2000-01, (c) 2001-02, (d) 2002-03, (e) 2003-04, (f) 2004-05 and (g) 2005-06 to date;

(2) What process must staff follow to submit an incident report and how are the incident reports followed up by Disability ACT.

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

(1) Recording of Incident data on AIMS commenced on 1 July 2001.

The AIMS reporting system covers all incidents ranging from occurrences such as "*torn floor covering where no fall occurred*" through to more serious events.

Year	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
Number	2239	2775	2741	2528	1330 to date

(2) Staff must fill in an AIMS incident form if they believe an incident has occurred, has almost occurred, or has been observed to occur.

- This form then goes to the Team Leader who is required to investigate the incident and document the results of that investigation.
- The Network Co-ordinator is then required to sign off on the action taken and to document any additional action that may be needed to prevent recurrence.
- If further investigation is required, or if it is a high level incident, management is informed and further investigation takes place.
- The Disability ACT Risk Managers will be notified if a risk assessment is required for the individual involved.
- The Risk Managers will decide on the appropriate follow up and nature of the risk and identify if there is, for example, a re-training need for the staff member/s involved.
- In the case of a high level incident, the appropriate managers and ACT Insurance Authority are notified.

Disability ACT—staff (Question No 917)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) How many current on-going Disability Group Home staff are still on the compulsory three month probation period in Disability ACT;

(2) How are these staff assessed once they complete the three month probation period and who conducts the assessment;

(3) Are staff under probation permitted by Disability ACT to run a Disability Group Home without the supervision of an on-going experienced staff member.

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

(1) Disability Service Officers are subject to a six month probation period from the date of appointment to the Department. There are currently 37 staff in this probation period.

(2) Probationers must complete a compulsory induction program and workplace learning modules through the Disability ACT training unit. Supervisors assess the staff and complete the probation reports.

(3) No.

Disability ACT—staff (Question No 918)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What is the total training budget for staff of Disability ACT engaged in duties directly involved in the provision of front line services to clients with a disability;

(2) What is the total training budget for managers in positions ranging from Senior Officer Grade A, B and C employed by Disability ACT;

(3) What is the total training budget for administrative services officers employed by Disability ACT.

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

(1) Disability ACT budgets for 5 days of training annually for each FTE, Disability Support Officer (DSO) within its service. This equates to a budget allocation of $201,000 in the 05-06 Financial Year. Disability ACT funds two training positions, budgeted at $152,000, to deliver and or coordinate in house training to DSO and administrative staff. 85% of the training officers' time is specifically dedicated to training DSO staff .

In addition to above allocations, Disability ACT estimates that it will spend a further $125,000 on Staff Development.

It is therefore estimated that for the 05-06 financial year Disability ACT will have allocated expenditure of approximately $478,000 to training its workforce of which 17% will relate to Administrative and Management staff.

(2) and (3) See 1.

Disability ACT—group homes (Question No 919)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

> Who currently provides services to Disability Group Homes such as (a) cleaning, (b) shopping and (c) gardening.

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

> Disability ACT staff support individuals in all aspects of daily living including cleaning, shopping and gardening. The level of an individual's participation in these activities is dependent on their abilities. Tenants are responsible for the maintenance of gardens and some families elect to engage a private gardening service.

Disability ACT—group homes (Question No 920)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

> Is the Campbell St, Ainslie, Disability Group Home still in operation; if so, when was the last assessment conducted on (a) occupational health and safety of the residence, (b) general maintenance and (c) suitability of the residence matched to the needs of the clients.

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

> Campbell St Group Home closed in October 2004.

Disability ACT—staff (Question No 921)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

> What policy does Disability ACT maintain for testing staff for infectious diseases working in Disability Group Homes, in relation to any obligatory medical examinations required in conjunction with recruitment processes of the ACT Public Service.

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

> Staff of Disability ACT are subject to the same pre-employment medical by Health Services Australia as all ACT Public Service staff. The medical assesses the person's fitness to undertake the requirements of the position.

Disability ACT—staff (Question No 922)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What driver training is in place for staff that work in Disability Group Homes that drive larger vans to transport residents;

(2) If training exists, how often is this training provided.

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

(1) Vehicles used by Disability ACT do not require any additional license provisions.

(2) With the introduction of new vans in 2004, 55 staff received Advanced Driver Training. Subsequent to this roll out of training, Advanced Driver Training is available to workers who self identify as requiring the training.

Disability ACT—group homes (Question No 923)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What is the current policy in relation to residents maintaining pets at Group Homes or other places of residence for people with a disability;

(2) If a policy exists, how does it conform with the policy for keeping animals and pets in housing managed by Housing ACT.

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

Disability ACT is developing a policy on pets in group homes, in consultation with families, guardians, unions and Housing ACT.

Disability ACT—staff (Question No 924)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

How many people have left Disability ACT through (a) voluntary redundancy, (b) retirement or (c) resignation during (i) 2001-02, (ii) 2002-03, (iii) 2003-04 and (iv) 2004-05.

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

	2000-01	2001-02	2002-03	2003-04	2004-05
	# Staff	# Staff	# Staff	# Staff	# Staff
Voluntary Redundancy	1	1	1	3	0
Retirement	1	3	2	5	7
Resignation	84	77	49	37	34
Total	**86**	**81**	**52**	**45**	**41**

Disability ACT—group homes (Question No 925)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What is the future of Disability Group Homes in the ACT;

(2) What forms of reviews are being conducted into the future viability of this essential service to families who have children with a disability.

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

(1) There are no immediate plans to either close or increase the number of group homes.

(2) As outlined in Strategic Direction 4.4 *Future Directions*, the ACT Government will review the role of Government as a provider of accommodation, community access and respite, and implement an Individual Support Services Change Management Plan.

Disabled persons—services (Question No 926)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What is the total amount of funding (a) allocated and (b) spent on Disability Services since the Gallop Report was tabled in the ACT Legislative Assembly;

(2) How much of the funding has been allocated to (a) direct essential services; and (b) new administration staff within Disability ACT.

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

(1) (a) 56.949 million was allocated for Disability Services in the 2005-2006 budget.

(b) $151.311 million was expended on Disability Services from 2002-2003 to 2004-2005.

(2) (a) The *Report on Government Services 2006* states that in 2004-2005 91.8% of Disability Services funding was spent on direct service delivery.

(b) Since 2002-2003 $1.213 million per annum has been allocated to new administrative positions, consistent with recommendations from the Board of Inquiry into Disability Services and the Disability Reform Working Group.

Disabled persons—transport (Question No 927)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) Have officials from Disability ACT advised a group of parents that Disability ACT had overrun its budget for transport across all departmental activities, including transport options to Disability Group Homes;

(2) Is the Government conducting an independent review of the disability transport services in Disability ACT, including transport offered to group homes and respite centres; if so, when was the decision made to conduct a review of all transport activities of Disability ACT, including the provision of transport to Disability Group Homes and respite centres and on what grounds was the review initiated.

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

(1) At *Meet the Director* on 13 December 2005, parents were advised that costs associated with running the Disability ACT fleet had exceeded the notional budget allocation by 25% ($250,000) in the last financial year.

(2) No. Disability ACT is undertaking an internal evaluation of the fleet usage due to increasing fuel and vehicle running costs. This is being done to ensure the fleet is used in an efficient and accountable manner and in accordance with the best interests of Disability ACT clients.

Disability ACT—sex education (Question No 928)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

What policy does Disability ACT maintain in relation to sex education for young people with a disability, living in the care of Disability ACT.

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

Disability ACT Policy *4-18: Personal Relationships and Sexuality* details the responsibilities of staff in ensuring clients have the right to access education about personal relationships and sexuality. This education is provided by staff who have undertaken additional training in this area, or a relevant professional.

Disability ACT—programs (Question No 929)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

What is the future of the delivery of the 'aCe' Program operated by Disability ACT.

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

Disability ACT has written to families that use the aCe (Advancing Competencies through Education) Program stating its intention to transfer the program to a community service provider. Disability ACT is working closely with families, clients and staff to progress this intention.

Disability ACT—home support (Question No 930)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What forms of in-home support are offered to clients by Disability ACT;

(2) How much funding was been allocated to such support programs in 2004-05.

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

(1) Disability ACT provides a supported accommodation service which assists clients in all aspects of daily living tailored to their individual needs.

(2) Accommodation Support Service expenditure for 2004/05, by Disability ACT, was $20.4 million.

Disability ACT—performance monitoring (Question No 931)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What, if any, forms of Integrated Monitoring Frameworks (IMF) has Disability ACT implemented to monitor the performance of service providers, including agreed outputs and quality standards;

(2) If an IMF exists, how does it work in accordance with funding agreements such as the Commonwealth State Disability Agreement.

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

(1) Disability ACT has a monitoring framework with two broad components that meets the criteria of an Integrated Monitoring Framework. They are:

- Annual and quarterly accountability and reporting requirements, and
- On-site Service Reviews and monitoring.

(2) Disability ACT's current framework is consistent with the Commonwealth/State/Territory Disability Agreement (CSTDA) and enables obligations to be met under the CSTDA.

Disability ACT—staff (Question No 932)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) How many staff are currently assigned to each individual Disability Group House in the ACT;

(2) What are the pre-requisite qualifications in order to be appointed to a position in a Disability Group House;

(3) How many staff, both on-going and non-ongoing, currently working in Group Homes hold the necessary qualifications to manage any given home;

(4) If some staff do not have the necessary qualifications to operate effectively in a Disability Group Home, what is the ACT Government doing to ensure adequate training is provided.

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

(1) The number of staff in any one home is based on client need and varies

(2) A current senior first aid certificate, class CA drivers licence, completion of induction and completion of workplace learning modules.

(3) All Network Coordinators and House Managers hold the required qualifications to manage group homes.

(4) Group and Individual training needs are identified through probation reports, Performance Management Program, and supervision. Training records identify courses completed by each staff member. Staff have access to ongoing training and are notified of upcoming training through the training calendar.

Disability ACT—staff (Question No 934)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

(1) What process must staff follow during a handover period in Disability Group Homes from one shift to another;

(2) During the handover period between shifts, are staff paid for any official handover period to incoming staff; if not, why not.

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

(1) Disability ACT has a formal handover procedure in place across all Group Homes. There is a handover checklist for staff to complete on commencing their shift. This includes reading client and household updates, which covers a range of support and administrative

checks. There is also a staff communication book and diary for staff to pass on more general information.

(2) Staff who have not worked in a home for three months or more are provided with an additional half hour paid handover period to familiarise themselves with the residents and routines of the house. Staff familiar with the household are required to complete the handover process as outlined above.

Gudgenby homestead (Question No 935)

Dr Foskey asked the Minister for the Environment, upon notice, on 16 February 2006:

(1) What proposals is Environment ACT considering for the future use of Gudgenby homestead;

(2) Does Environment ACT consider that low impact uses such as small conferences and artists workshops might be the best use.

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

(1) A number of submissions have been received on the future use of Gudgenby homestead in response to the current review of the Namadgi National Park Draft Management Plan. Submissions on the Namadgi National Park Draft Management Plan were accepted up until 30 November 2005 and these are now being considered. A report on the management plan review will be provided to me later this year.

(2) Current management guidelines for Namadgi National Park support low impact adaptive use for the Gudgenby Homestead such as minor conferences or arts workshops. Environment ACT will conduct a more detailed evaluation of the options for future adaptive use once the results of the review of the Namadgi National Park Draft Management Plan are finalised.

Mental health facilities (Question No 936)

Dr Foskey asked the Minister for Health, upon notice, on 16 February 2006:

(1) What is the average (a) number and (b) percentage of mental health patients that reappear in ACT psychiatric facilities within 28 days after discharge;

(2) What is the total number of mental health patients admitted to ACT psychiatric facilities;

(3) What was the (a) highest and (b) lowest figure used to calculate the average and from what time does the figure relate to;

(4) Which ACT psychiatric facilities were used in this calculation;

(5) Which ACT psychiatric facility has the highest rate of re-admission and what is this rate;

(6) How do these figures compare to this point in time in (a) 2002-03, (b) 2003-04 and (c) 2004-05.

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

	2002-03	2003-04	2004-05	2005-06
(1) Average monthly readmissions to mental health inpatient units within 28 days by number and percentage.	10 16%	18 18%	23 21%	17 17%
(2) Total number of admissions to a psychiatric inpatient facility 1 July – 31 December.	385	596	669	582
(3) Highest and lowest monthly figures used for calculating the average. Note the period below.	19 3	23 13	33 17	21 10
(4) Psychiatric inpatient facilities included in the calculation.	PSU at TCH	PSU at TCH Calvary 2N	PSU at TCH Calvary 2N	PSU at TCH Calvary 2N
(5) Psychiatric inpatient facility with the highest readmission rate and the rate.	PSU at TCH 16%	PSU at TCH Calvary 2N Both 18%	Calvary 2N 28%	PSU at TCH 19%

Data indicated is taken from the year to date figures from 1 July – 31 December for each year indicated.

Railway Historical Society (Question No 937)

Dr Foskey asked the Minister for Planning, upon notice, on 16 February 2006:

What progress has been made in the negotiations regarding the granting of a conditions lease for a minimum of ten years and probably 20 years to the Railway Historical Society in Kingston following ministerial assurances in August 2005 regarding the lease.

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

The ACT Planning and Land Authority is currently undertaking planning studies for the 'East Lake' precinct that includes the land currently occupied by the Australian Railway Historical Society. Those studies have concluded that the ARHS could be granted a 10 year lease over the current site to provide tenure in the short term while a Master Plan is prepared incorporating the needs of all rail users in the area.

The Society has been advised of this position and has been advised to make an application for a direct grant of land for a lease.

Fraser Court (Question No 938)

Dr Foskey asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2006:

(1) How many residences, for example, units or flats, are in Fraser Court;

(2) How many of these are (a) capable of being occupied, for example, are up to an adequate standard, (b) currently occupied and (c) currently not occupied;

(3) How many residents currently occupy Fraser Court;

(4) At what stage is the revised approach to the revitalisation of Fraser Court;

(5) What is the estimated timing for the revitalisation of Fraser Court;

(6) What public documents are available pertaining to the revised approach to the revitalisation of Fraser Court;

(7) What is the estimated ACT Government cost for the revitalisation of Fraser Court;

(8) How much of this ACT Government funding (a) has already and (b) is yet to be secured through budget processes;

(9) How many (a) residences will be in and (b) residents can occupy Fraser Court once revitalisation is completed.

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

(1) There are 104 units at Fraser Court;

(2) Of the 104 units at Fraser Court, 24 units are occupied and 80 are not occupied. Some of these units were used as very short stay crisis accommodation over the 2005 Christmas period. It was decided to take the site to the market for redevelopment as the cost of refurbishing the units and bringing them up to the applicable standard was not consistent with the principles in the Public Housing Asset Management Strategy;

(3) There are 24 active tenancy agreements at Fraser Court;

(4) Negotiations on the joint venture continue with the successful partner St Hilliers Pty Ltd.

(5) The development is anticipated to commence in the second half of 2006 and be completed by the end of 2007;

(6) See response to (4);

(7) There is no direct cost to the ACT Government for the revitalisation of Fraser Court.

(8) See response to (7);

(9) Tenants have been advised that if they wish to remain on site after the redevelopment they will be given the opportunity to do so.

Waste disposal—recycling facilities (Question No 939)

Dr Foskey asked the Minister for Urban Services, upon notice, on 16 February 2006:

(1) Has there been any monitoring of the use of recycling bins at the Multicultural Festival to assess whether there was an unacceptable mixing of bio-waste with papers, cans and glass; if so, what was the outcome of this monitoring and will the results inform the decision to permanently install recycling facilities in Civic; if not, why wasn't any monitoring conducted.

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

(1) The recyclables from the Multicultural Festival were taken to the Materials Recovery Facility (the recycling sorting factory) at Hume. Once these materials are deposited on the tipping floor they are mixed with household recyclable materials prior to sorting. Once the material is mixed with other recyclables the contamination levels are not able to be determined for specific loads.

My Department worked with the event organisers in a capacity to provide advisory services on best practice waste minimisation strategies at public events. I understand that while recycling has been introduced to this event, no formal detailed monitoring of contamination rates of the systems has been carried out due to the costly and problematic nature of such waste audits. It is not feasible to run such small quantities of recyclables through the Materials Recovery Facility (MRF) in isolation to determine contamination rates and to contract environmental consultancies to undertake waste auditing and reporting is cost prohibitive.

Policing—cases (Question No 940)

Dr Foskey asked the Minister for Police and Emergency Services, upon notice, on 16 February 2006:

(1) Why did ACT Policing pay approximately $32 000 for Professor Barclay to review a case on Norfolk Island, Operation Dunedin, murder of Janelle Patton, in March 2002, as stated on page 17 of the ACT Policing Annual Report 2004-05;

(2) Does page 19 of the report, table 2.3, illustrate that for offences against property the apprehension rate dropped from 13.8% in 2003-04 to 10.1% in 2004-05; if so, what is the reason for this drop;

(3) Do pages 27 and 28 mention community perceptions of police and states, and of the five measures of Community satisfaction with Police, all showed the community was less satisfied with police by comparison with the previous year in table 2.12; if so, why does the report therefore state that results are encouraging and ACT Policing intends to build on the results over the next 12 months.

(4) Do pages 37 and 38 list Aboriginal and non-Aboriginal separately under "Taken into custody" and "Disorderly intoxicated persons", Table 2.16; if so, (a) why does the AFP feel the need to report on Aboriginal people separately and (d) does this separate reporting in any way contravene racial vilification legislation;

(5) Does page 40 state that despite the quality of the Sexual Assault and Child Abuse Team, the successful prosecution rate for sexual assaults in the ACT is low and that the quality of the investigations being conducted in Sexual Assault and Child Abuse team is of a

high standard; if so, (a) are these statements incompatible, (b) why are results not the appropriate measure of a team's success and (c) what are the quality measures otherwise;

(6) Does page 43 refer to a 21st birthday in Wanniassa and state that a police member fired two shots at the vehicle in an attempt to prevent it from leaving the scene and that a full review of the event was undertaken by the Australian Federal Police (AFP) Professional Standards Team as a result of the discharge of the police firearm; if so, (a) what was the result of the review and (b) what findings were made about the ACT Policing officers firing in a public street;

(7) Does page 46 state that the Special Response and Security Planning Team coordinated 68 events, however these events appear to be overwhelmingly Federal Government oriented; if so, (a) why is the ACT paying for the activity in relation to VIP tours including Presidents of Indonesia and Israel, China Chairman, Prime Minister of Vietnam, Royal visits by Britain and Denmark and (b) why is the ACT paying for Prime Minister's XI cricket;

(8) Does page 53, table 2.19, state that the number of road crashes resulting in death per 100 000 population was 54.0% above the target, and the number of road crashes resulting in injury per 100 000 population was 32.6% above target; if so, (a) would a greater effort by ACT Policing on road safety improve these results and (b) why did the strategic planning retreat not identify road safety as highly important;

(9) Does page 54 state that "during 2004-2005 the incidents of vehicles performing burnouts in suburban areas and incidents of road rage became more prevalent, significant media attention"; if so, (a) was significant media attention the reason that Operation Globin was set up or was it intended to delete these words during proofreading, and the words were missed because there was no checking of the text after corrections;

(10) Why did the strategic retreat not decide to focus on driving offences in 2005-06 given comments on page 57 that state, regarding driver behaviour, that the results for the ACT are disturbing, with the ACT exceeding the national average for speed, intoxication and fatigue;

(11) Why are the number of breath tests for the month of April so low, especially given the Easter holiday period in April as outlined on page 57, table 2.13;

(12) What is ACT Policing doing to urgently address the problem of community satisfaction regarding community programs as referred to on page 59 in which the report notes that the percentage of people satisfied or very satisfied with police support for community programs was 57.7%, down 14.2%, and below the national average of 67.3%;

(13) Is the Coroner's Office part of ACT Policing or the AFP;

(14) If the Coroner's Office is part of the AFP why is it included in this report;

(15) If the Coroner's Office is part of ACT Policing why did the Coroner's Office do 60 NSW deaths;

(16) Is the ACT Government recompensed for the Coroner's Office training AFP members;

(17) Does page 70 state that 760 people go missing in the ACT in a year; if so, (a) is this number considered to be high, (b) what is the explanation for this high number, (c) why has the definition of missing persons been changed and (d) why is it considered reasonable to define people with mental health problems as absconders;

(18) How does the ACT Policing's fleet of 180 vehicles for 791.5 staff, as outlined on page 82, Facilities and Logistics, compare with (a) NSW, (b) Victoria, (c) and to similar sized towns such as Wollongong, Ballarat and Bendigo;

(19) What is meant by the statement on page 82 that the Finance, Exhibits, and Logistics portfolio has been subject to a review during financial year 2004-2005 and following this review roles within the Exhibit portfolio have been upgraded and all team members' positions across the portfolio have now been diversified to provide for increased redundancy in service delivery;

(20) Further to the statement on page 82 that the portfolio will continue to improve productivity, efficiency, and working conditions within the Exhibits Team in order to improve service delivery to ACT Policing and external stakeholders, who are the external stakeholders and what do they pay for the service delivery;

(21) Is ACT Policing subject to the ACT Discrimination Act; if not, why not;

(22) Does page 91 state that the role of the Workforce Planning model is to provide feedback and clarification on determining ACT Policing's ability to support the AFP's national and international operations; if so, (a) is Workforce Planning intended to support ACT Policing or the AFP and (b) why should ACT Policing's ability to support the AFP's national and international operations be any consideration to ACT taxpayers;

(23) Does page 92 note that the staffing profile is characterized by young, energetic and well educated people; if so, (a) assuming young people have less experience in the police force, why doesn't ACT Policing have a balance of age groups, (b) is ACT Policing a training ground for the AFP and if so, why doesn't AFP pay for the training experience, rather than the other way around;

(24) Does the Chief Police Officer only spend 90% of her time on ACT Policing as indicated on page 92, table 3.1; if so, (a) does the ACT Government pay 100% of the Chief Police Officer's salary and (b) is the Chief Police Officer paid by the ACT Government for full time work or at a rate of 0.9 of full-time work;

(25) Does the Deputy Chief Police Officer only spends 30% of his time on ACT Policing; if so, (a) does the ACT Government pay 100% of the Deputy Chief Police Officer's salary and (b) is the Deputy Chief Police Officer paid by the ACT Government for full time work or at a rate of 0.33 of full-time work;

(26) Why is there no ACT Policing representative on the recruitment panel as referred to on page 92, Recruitment;

(27) In relation to page 94 of the report, (a) why did ACT Policing decide not to analyse the complaints, as a learning tool, as it did in other sections of its annual report, (b) why did ACT Policing decide to just report the bare statistics, (c) what was the nature(s) of the three complaints that were advised to pursue elsewhere, (d) what was the outcome, for example, dismissal, suspension, docking of pay, of the four substantiated cases, (e) how do the outcomes of the four substantiated cases compare with substantiated cases in previous years, (f) what was the outcome of the special investigation conducted by the Ombudsman about ACT Policing matters and (g) how does the outcome of the Ombudsman's special investigation compare with any similar investigation in previous years;

(28) In relation to page 95, Workplace Diversity, (a) what is ACT Policing definition or understanding of Workplace Diversity, (b) is this definition in line with other ACT Government definitions of Workplace Diversity and (c) if ACT Policing did not appropriately report on Workplace Diversity in its annual report, will the Minister for Policing request that ACT Policing resubmit its report on Workplace Diversity as soon as possible, due to the ACT Government's reputation for taking workplace diversity seriously;

(29) In relation to page 95, Workplace Health and Safety, what (a) are the alternative load-carrying options to the current accoutrement belt, (b) is carried as standard now, and much does the belt weigh and (c) are the ramifications for occupational health and safety or insurance charges on the ACT Government, of this weight of belt;

(30) In relation to page 96, Workplace Health and Safety, table 3.2, Workplace Accidents and Injuries, (a) as there has been an increased number (i) from 4 to 10 of falls from a height, (ii) from 1 to 5 of those suffering from mental stress and (iii) from 34 to 57 of those hit by moving object, is there any explanation for this increase and what new measures have been taken to prevent it occurring again, (b) as there has been an increased number from 14 to 22 of those hit object with body, (i) what does this category mean, (ii) is there any explanation for this increase and (iii) what new measures have been taken to prevent it occurring again, (c) do these accidents and injuries have a serious effect on Comcare payments and (d) what is being done to minimise the apparently increasing physical and mental problems of ACT Policing;

(31) Does page 101, Police Consultative Board report, note that the Board considered customer service standards and mental health protocols; if so, (a) what was the outcome of its considerations and (b) can a copy of the Police Consultative Board report please be provided;

(32) What were the key recommendations and outcomes of the 3-day ACT Policing Executive retreat on 27-29 April 2005 as referred to on page 102;

(33) What was the outcome of the 2004-2005 internal audits into travel compliance, cash handling, and drug and property registry management as referred to on page 102, Risk Management;

(34) Who do ACT Policing records belong to;

(35) Why does ACT Policing have a target of 25 substantiated complaints rather than a target of 0 as referred to on page 120, Performance Measures.

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

(1) Professor Barclay reviewed a number of ACT historic homicides, including the Dunedin investigation, successfully identifying new forensic opportunities in many of those cases.

(2) The figures questioned are correct. These results are due at least in part to the impact of ACT Policing's well-publicised Operation Halite. Community-supported and intelligence-driven, Operation Halite has successfully focused on areas such as burglary and motor vehicle theft, with targeting of identified "hotspot" locations and recidivist offenders.

(3) Whilst the table shows the ACT is consistent with national trends, in four of the six measures included in Table 2.12 the ACT has achieved higher than the national average.

The encouraging result is the fact that ACT results exceed those national averages in more than half of the monitored areas of performance, with strong positive responses in relation to police professionalism, fair treatment and perceptions of public safety while at home both during the hours of daylight and night-time. The statement indicates ACT Policing's intention to build on that position.

(4) Yes.

(a) This is in accordance with recommendations of the Royal Commission into Aboriginal Deaths in Custody.

(b) No.

(5)

(a) No.

(b) and (c) Investigation skills and training are of a very high standard in the Sexual Assault and Child Abuse Team (SACAT), as is the case within the AFP generally. Victim feedback is generally very positive in relation to the efforts and quality of the work of investigators. When presented in court, the matters investigated by this team frequently come down to one person's word against another. In addition, child victims are very vulnerable and not always able to provide evidence that supports the judicial burden of proof, and these matters are often strongly contested.

(6)

(a) The review of this incident by AFP Professional Standards found that the member concerned had discharged his firearm in a manner contrary to AFP Commissioner's Orders.

(b) See (a) above.

(7)

(a) All costs associated with the enforcement of Commonwealth legislation and protection of Commonwealth protected persons by ACT Policing are met by the Commonwealth on a cost-recovery or cost-attribution basis. Visits to the ACT by foreign Heads of State fall into this category.

(b) Policing activities associated with the annual Prime Minister's XI cricket match predominantly involve the enforcement of ACT legislation and as such the Commonwealth is not responsible for meeting these costs. Costs associated with the protection of protected persons during the event are met by the Commonwealth.

(8) Yes.

(a) While total collisions within the ACT have not increased, the increase in collisions resulting in death or injury is an issue for concern. The targeting of unacceptable driving behaviour is an ongoing priority of ACT Policing which employs an intelligence-led policing approach where police patrols target those areas identified by reports on a priority basis. While enforcement focused on speed, alcohol and wearing of seatbelts will be maintained, strategies surrounding education are also being further developed. To reduce the number of road fatalities and injuries, ACT Policing Media and Marketing Team has also developed numerous strategies and media campaigns to improve public awareness of road safety issues.

(b) The Strategic Planning Retreat identified "response" as the key theme for ACT Policing in 2005-2006. Road safety is considered an integral element of a broader policing response capability.

(9) Yes. Police concerns for public safety and concerns expressed by members of the community, along with media coverage, were reasons for the establishment of Operation Globin.

(10) As mentioned at 8 (b) above, the Strategic Planning Retreat identified "response" as the key theme for ACT Policing in 2005-2006. Enforcement of road rules is considered an integral element of a broader policing response capability.

(11) As indicated in the footnote to table 2.27, Breath tests and positives by month 2004-2005, on p57 of the ACT Policing Annual Report, statistics for April 2005 were under-reported due to a technical error.

(12) While ACT Policing did not achieve its target for this measure in 2004-2005, there has subsequently been a substantial increase in people satisfied or very satisfied with police support for community programs. Between 1 July and 30 September 2005, 59.0% of people were satisfied or very satisfied with police support for community programs while between 1 October and 31 December 2005, 68.9% were satisfied or very satisfied, an increase of 9.9%.

This data is sourced from the AC Nielsen National Survey of Community Satisfaction with Policing and was based on the most recent summary report available (January 2005 – December 2005). Whilst the ACT has relatively low rates of persons satisfied or very satisfied with police support for community programs, it also has the highest rate of persons who are neither satisfied nor dissatisfied on this issue (24.8% responded neither satisfied nor dissatisfied while the jurisdictional average was 17.2%). This could indicate that a higher proportion of ACT residents have no opinion on this issue or have not had contact with community programs on which they can base an opinion.

The premise on which this data is based focuses on Neighbourhood Watch, Crime Stoppers and Blue Light Discos. These programs are not necessarily representative of the diversity of community programs and events that ACT Policing supports such as the Multicultural Festival, Springout, the Community Youth Alliance and the ACT Schools Crime Prevention Debate. ACT Policing has received positive feedback from the community in relation to these other programs.

ACT Policing continually seeks to support new community programs such as the recent involvement as mentors and sponsors for the 'On Track' program, a joint initiative of Gugan Gulwan and Narrabundah Primary School which offers a flexible alternative education program for Aboriginal and Torres Strait Islander students.

(13) The Coroner's Office is part of ACT Policing, but can assist the AFP in other matters on a cost-recovery or cost-attribution basis.

(14) Refer to the response to Question 13.

(15) The ACT Coroner's Office did not actually investigate 60 NSW deaths, but, as part of an arrangement between the two parties, assisted NSW Police and the NSW Coroner by organising the conduct of post mortems at the Kingston Forensic Medical Centre.

(16) In accordance with the Purchase Agreement, the ACT Government is recompensed for work undertaken on Commonwealth matters.

(17)

(a) The figure of 760 missing persons for the ACT in 2004-2005 was higher than the national average.

(b) It is an unfortunate fact of life that, in our society, people go missing for many and varied reasons. Recording of missing persons varies across jurisdictions. ACT Policing records all persons reported missing, including those considered as "absconders" (see (c) below).

(c) ACT Policing implemented a new Guideline on Missing Persons during the reporting period to reflect more accurately the number of persons reported missing each year. This Guideline includes two categories of missing person: Missing Person; and, Missing Person – Absconder. The definition of an Absconder is a person whose whereabouts are unknown and for whom there are no fears held for their safety or concerns for their welfare. If a Missing Person – Absconder is missing for an extended period and fears arise for their safety or welfare, Police can change the incident to a confirmed Missing Person.

(d) The definition of Absconder does not single out people with mental health problems but nominates those people who are patients, whether voluntary or otherwise, of a mental health facility. It was necessary to include these people (in general terms) as "Absconders" in order that ACT Policing could assist supporting agencies in locating them when they absented themselves from treatment.

(18) ACT Policing does not have access to data from other police jurisdictions which would enable such a comparison to be made.

(19) Role descriptions for employees engaged in exhibit handling within the ACT Policing Exhibit facility were revised during the reporting period to take into account the more diverse range of tasks being completed. Exhibit staff now perform a wider and more satisfying range of duties which has increased recruitment and retention outcomes within the portfolio.

(20) External clients of the ACT Policing Exhibits team are predominantly members of the public and the courts. No costs are levied on external stakeholders other than storage costs associated with "burnout" vehicles as specified in the Road Transport (General) (Vehicle Impounding and Seizure/Speed Tests) Determination 2005 (No 1).

(21) No. ACT Policing, as part of the Australian Federal Police, is subject to Commonwealth anti-discrimination legislation.

(22) ACT Policing is an integral part of the AFP. Members of ACT Policing can and do benefit from opportunities offered by national and international operations conducted by the AFP. Similarly, members attached to AFP national and international operations benefit from the opportunity to gain experience in a Community Policing environment through attachment to ACT Policing. By utilising its Workforce Planning Establishment model, ACT Policing is able to manage the number of personnel available to deliver Community Policing services to the ACT in accordance with the Purchase Agreement and make informed decisions as to the transfer of staff into and out of ACT Policing to gain investigative and policing skills.

(23) Yes.

(a) The ACT Policing workforce is broadly representative of the community it is charged to protect.

(b) Refer to the answer to question 22.

(24) Based on an activity survey completed in December 2003, it was determined that 6.6% of the effort of ACT Policing is spent on Commonwealth activities. The FTE figure of 0.9 for the Chief Police Officer reflects the 6.6% being removed, rounded to the nearest point. Under funding arrangements between the Commonwealth and the ACT, the Commonwealth meets approximately 10% of the cost of the Chief Police Officer's position.

(25) The two ACT Policing Deputy Chief Police Officer positions, along with the position of Director, Corporate Services, are counted in table 3.1 on page 92 of the Annual Report as "Commander/Director". The figure shown in that table of 2.8 represents three FTE less the 6.6% attributed to Commonwealth activities for each position. Costs associated with these positions are attributed between the Commonwealth and the ACT in a similar manner to those for the Chief Police Officer.

(26) Recruitment panels within the AFP are constituted in accordance with AFP Commissioner's Order 7, Selection of Personnel for Engagement, Assignment and Advancement. In accordance with Order 7, a Joint Selection Committee is constituted by:

- a Convenor nominated by the Australian Public Service Commission or other independent external body;
- a person nominated by the AFP Commissioner who should be familiar with the functional area; and
- an AFP employee representative.

For advertised roles within ACT Policing, at least one member of the Committee is drawn from the appropriate business area within ACT Policing.

(27)

(a) Complaints involving ACT Policing members are investigated by AFP Professional Standards in accordance with arrangements for the provision of enabling services to ACT Policing. Analysis of complaints and the identification of emerging trends is undertaken by AFP Professional Standards. The results of such analysis are provided to ACT Policing on an "In-Confidence" basis.

(b) Historically, ACT Policing has reported on the number of complaints received and the manner in which they were finalised. It would not be practicable, nor appropriate in some circumstances, to include further details for all complaints.

(c) The three complaints that were reported in the Annual Report as "advised to pursue elsewhere" were managed utilising the Australian Federal Police's Workplace Resolution Guidelines, rather than the Complaints (Australian Federal Police) Act 1981, as the matters specifically related to workplace issues and conditions, rather than any unethical behaviour by the individuals concerned.

(d) At the conclusion of any such investigation the disciplinary action taken, if any, reflects the options available under the *Complaints (Australian Federal Police) Act 1981*. The Commonwealth Ombudsman's Office is advised on each occasion and may call for a review of the outcome if it is deemed necessary. No such review was called for regarding any of the four cases. For privacy and confidentiality reasons, case details are not released to any other party.

(e) Refer to the answer to question 27(d).

(f) This is a matter for the Commonwealth Ombudsman's Office as it specifically relates to its special investigation and associated report. Any release of information relating to this Question is at the discretion of the Commonwealth Ombudsman.

(g) This also is a matter for the Commonwealth Ombudsman's Office. Refer to 27(f).

(28)

(a) The AFP has an award-winning Worklife Diversity program. ACT Policing participates in that program. Worklife Diversity is defined as recognising and valuing the different knowledge, skills, backgrounds and perspectives that people bring to their work – regardless of whether those differences are based on age, gender, ethnicity, social background or other factors.

(b) The Worklife Diversity program of the AFP compares very favourably with the programs and policies operating in the ACT Government.

(c) See the response to question 28(a) and 28 (b).

(29)

(a) The trial has established that an accoutrement belt is the safest and most convenient way to carry and care for police accoutrements. An alternative belt to the one currently issued as standard equipment is being trailed.

(b) The weights for the current issue standard leather accoutrement belt and standard accoutrements are:

(30)	Item	(31)	Weight (g)
(32)	Leather belt	(33)	390
(34)	Underbelt	(35)	188
(36)	Magazine holder and magazine	(37)	371
(38)	Handcuffs and pouch	(39)	500
(40)	OC spray and pouch	(41)	170
(42)	Baton and pouch	(43)	522
(44)	Radio and pouch	(45)	1140
(46)	Firearm and holster	(47)	1351
(48)	TOTAL	(49)	4632

(c) The weight of the accoutrement belt has not had any discernable impact on the insurance premiums paid by ACT Policing.

(30)

(a) and (b) The increase in the total number of injuries reported in various categories is due to an AFP OH&S risk management strategy which encourages reporting of all injuries and 'near misses' in the workplace. Education and information sessions have raised employee awareness of OH&S issues generally and have emphasised the need to report even minor injuries and near misses. While the outcome of this policy has been an upward trend in reporting of incidents that are largely minor in nature, ACT Policing has also seen a continued reduction in time lost as a result of injury. Incidents occurring in the course of operational duty or during operational safety training are referred to the Operational Safety Committee for review.

Injuries reported as "hit object with body" consist largely of cuts and bruises sustained while arresting or restraining a person or in a scenario involving use of force during operational safety training. None of these injuries in the reporting period involved time off work.

(c) The reporting of accidents and injuries has not had any effect on ACT Policing's Comcare premiums. In fact the premiums for ACT Policing are displaying a downward trend at this point in time. This is mainly due to the declining amount of time lost in relation to injuries suffered.

(d) See the response to question 30(a) and 30(b).

(31) The Police Consultative Board report does note, at page 101, that the Board considered customer service standards and mental health protocols.

(a) the outcome of its considerations was the commencement of a revised Memorandum of Understanding (MOU) between Mental Health ACT, the Australian Federal Police, Calvary Health Care ACT, and ACT Ambulance Service. The new MOU was announced by the Chief Police Officer on 19 December 2005.

(b) the report is available on the Board's website at: http://www.jcs.act.gov.au/pcb/docs/Rpt_Policingand Mental Health.pdf

(32) The key outcome of the planning workshop held from 27-29 April 2005 was an agreement that the strategic focus for ACT Policing for the remainder of 2004-2005 and into 2005-2006 would be on policing response activities. The workshop also discussed ways to improve customer service standards and further improvements to community liaison and engagement arrangements.

(33) The audit provided the AFP with an opportunity to assess risks associated with the activities in question. Operational issues preclude the public release of more specific outcomes of this internal audit.

(34) As ACT Policing is a part of the AFP, a Commonwealth agency, ACT Policing records belong to the Commonwealth in accordance with the Archives Act 1984.

(35) On page 120 there are two complaint measures: Indicator 20 – Number of substantiated complaint issues against police, with a target of 25 or less; and Indicator 21 – Number of substantiated complaint issues relating to persons injured in custody, with a target of zero.

Purchase Agreement targets are set in discussions between the ACT Government and ACT Policing.

Hospitals—sentinel events (Question No 941)

Mr Smyth asked the Minister for Health, upon notice, on 16 February 2006:

(1) What were the nine sentinel events recorded in 2004-05 as stated by the Minister in a response to a question taken on notice to the Annual and Financial Reports 2004-05 hearings;

(2) How many sentinel events have occurred to date this financial year and what exactly was the sentinel event on each occasion;

(3) On how many occasions since 2001-02 to the current date have sentinel events occurred such as (a) procedures involving the wrong patient or body part, (b) suicide of a patient in an in-patient facility, (c) retained instruments or other material after surgery requiring reoperation, (d) intravascular gas embolus resulting in death or neurological injury, (e) medication error leading to the death of a patient reasonably believed to be due to incorrect administration of drugs and (f) maternal death or serious morbidity associated with labour or delivery;

(4) How is it that an infant can be discharged to the wrong family.

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

(1) The sentinel events reported in 2004-05 comprised:

- Suicide or attempted suicide – 1 attempted suicide;
- Retained instruments or other material after surgery requiring re-operation or further surgical procedure – 1 retained portion of the laparoscopic banding wire and 2 retained portion of guide wire after insertion of Peripherally Inserted Central Catheters (PICCs);
- Medication error leading to death of a patient reasonably believed to be due to incorrect administration of drugs – 2, and
- Maternal death or serious morbidity associated with labour or delivery – 1 patient required hysterectomy following a massive antepartum haemorrhage, 2 patients required hysterectomy following massive postpartum haemorrhages.

(2) There have been 4 sentinel events reported to date, this financial year and comprise; Retained instruments or other material after surgery requiring re-operation or further surgical procedure (2 incidents involving retained pleurocaths), and Maternal death or serious morbidity associated with labor or delivery (2 hysterectomies required to control post partum haemorrhage).

(3) ACT Health implemented a policy on the mandatory reporting of sentinel events in 2004. ACT Health was not measuring sentinel events prior to the introduction of the policy.

(4) ACT Health has not had any reported events where an infant has been discharged to the wrong family. From the literature it appears to occur due to systems failures that are usually associated around identification tags.

Health—SIDS and Kids (Question No 943)

Mr Smyth asked the Minister for Health, upon notice, on 16 February 2006:

What was the total amount of funding allocated to Sids and Kids ACT, either through recurrent funding or grants programs, from the ACT Government in (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04, (e) 2004-05 and (f) 2005-06.

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

Prior to the 2002-03 financial year, SIDS and Kids ACT did not receive any Government assistance. The following schedule indicates the amount of ACT Health funding provided to SIDS and Kids ACT from 2000-01 to 2005-06.

ACT HEALTH

(a)	2000-01	$	0
(b)	2001-02	$	0
(c)	2002-03	$	105,334
(d)	2003-04	$	107,704
(e)	2004-05	$	112,204
(f)	2005-06	$	115,009

ACT Health is the only ACT Government agency to provide funding to SIDS and Kids ACT. The increase of $4,500 between 2003-04 and 2004-05 includes a recurrent amount of $ 2,346 to cover increase in wages under the *Social and Community Services (ACT) Award*.

Hospitals— midwifery program (Question No 944)

Mr Smyth asked the Minister for Health, upon notice, on 16 February 2006:

(1) What is the monthly average number of mothers who opt to use the midwifery program for child birth since its inception;

(2) How broadly has the midwifery program widened since its inception at The Canberra Hospital, for example, how many women could access the service at its inception compared to the current day;

(3) Is the Government looking to expand the program further than its current capacity;

(4) How many midwives are currently working in the ACT health system;

(5) Is the Government looking to recruit more midwives and what is the current availability of midwives.

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

(1)

Year	Average per month	Total number accessing program
1999	41	493
2000	46	555
2001	43	517
2002	45	542

2003	46	544
2004	47	562
2005	40	484

(2) The Canberra Midwifery Program was established in 1999 when the existing Birth Centre and Community Midwifery Program were amalgamated. In 1999 493 women accessed the program and in 2005 484 women accessed the program.

(3) The Government is aware that the CMP has ongoing waiting lists and some women who wish to access the program cannot. A survey of demand for the CMP is about to be conducted that will provide data on the total demand for the program. This information will then inform planning for improved access to the CMP.

(4) There were 135 full-time equivalent midwives employed at the Canberra and Calvary hospitals (as at February 2006).

(5) ACT Health continues to be proactive in developing recruitment strategies to address nursing and midwifery workforce shortages and initiatives to retain our skilled and experienced nurses and midwives and our new graduates. This includes systems, organisational and professional level initiatives to promote healthy workplace environments based on best practice; work-life balance, and support for the application of and research into evidence based-practice.

Twelve student midwives graduated from the Graduate Diploma of Midwifery in January 2006. This joint ACT Health / University of Canberra program will continue.

Vacancy rates for midwives within ACT Health are relatively low. As at February 2006, the midwifery vacancy rate was 3.5% or 5 full-time equivalents.

Health—dieticians (Question No 945)

Mr Smyth asked the Minister for Health, upon notice, on 16 February 2006:

(1) How many dietetic students have commenced professional placements in and around the ACT region since the cohort placement round commenced in August 2005;

(2) What is the Government doing to ensure that these dieticians are retained in the ACT and region once their placement is completed;

(3) What is the current demand for dieticians in the ACT and is there a shortage of dieticians.

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

(1) 9 dietetic students have commenced professional placements in and around the ACT region since the cohort placement round commenced in August 2005.

(2) When dietician positions become available the Government encourages graduates from the ACT region to apply. ACT Health is currently in the process of recruiting 2 permanent dietician positions, both of which are suitable for new graduates.

Government is providing a career path for dieticians 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.

Strategies developed to attract and retain new graduates, particularly Generation Y, include a "budding" system so they can better connect with a more senior worker to provide mentoring and support to assist in the transition to the new professional environment. New graduates also have access to 2 clinical specialist dieticians who have expert knowledge in clinical dietetics as Generation Y are well educated and expect effective professional development.

ACT Health Nutrition Department has a significant number of clinical practice guidelines and policies that assist new dietician graduates who are on a steep learning curve when commencing the transition to practice in ACT Health.

All new dietician graduates participate in the performance management process and a learning and development plan identifies future learning needs. In addition, they participate in the ACT Health dietician Journal Club and after 12 months employment have access to the Allied Health Postgraduate Scholarship Scheme.

As part of the Dietetics Association of Australia Accredited Practicing Dietician Program all new graduates are encouraged to have an external mentor to provide further clinical and professional support for the new graduate. ACT Health supports this process.

(3) The ACT Health vacancy rate for dieticians in August – October 2005 was 10% and ACT Health is currently in the process of recruiting 2 permanent dietician positions.

Petrol stations
(Question No 946)

Mr Smyth asked the Minister for Planning, upon notice, on 16 February 2006:

(1) How many petrol stations were operating in the ACT as at 1 January each year since 1980.

(2) In what suburb was each petrol station referred to in part (1) located.

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

(1) & (2) Information relating to how many petrol stations were operating in the ACT in each year since 1980 is not available. A report on service stations, which was prepared by Mobil Oil Australia Ltd for the ACT Administration in September 1989, shows the number and location of service stations in Canberra/Queanbeyan (Refer to list and map at Attachment A). It indicates that the total number of sites for the ACT/Queanbeyan was 100 for 1989 (with 84 in the ACT).

A Report of the ACT Government Working Group on Petrol Prices, November 1992 indicates:

Number of service station sites in the ACT	
1985	82
1991	86
1992	83

The report includes a map showing the approximate location of service stations in 1992 (refer Attachment B).

A survey by the Australian Institute of Petroleum indicated that there were a total of 75 service stations in the ACT in the year 2000 (Source: http://www.aip.com.au/industry/stations_stats.htm)

The Planning and Land Authority has undertaken various inventories of commercial centres and industrial areas over time. The scope of each survey is explained in each inventory.

The inventory data for the years 1995, 1997, 1999, 2001, 2003, 2005 include an entry for 'service station' and the suburb in which this facility is located. This data is available at Attachment C. The 1995 inventory records 73 entries under the service station category compared to 62 in 2005.

[Copies of attachments are available at the Chamber Support Office]

Petrol stations
(Question No 947)

Mr Smyth asked the Minister for Planning, upon notice, on 16 February 2006:

(1) How many petrol stations have closed in the ACT each year since 1 January 1980 and where were they located;

(2) What was the reason for each closure;

(3) Have any of these petrol stations reopened; if so, where are these petrol stations located.

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

(1) The Government does not maintain specific data on petrol station closures. However the ACT Planning and Land Authority does undertake a biennial inventory of floor space within commercial centres and industrial areas, which provides an indication of where petrol stations were operating at the date of the survey.

(2) The Government does not maintain data about the specific reasons for the closure of individual petrol stations. It is likely that the reduction in the number of service stations over the years is a result of restructuring of the petroleum distribution industry nationally flowing from changes in technology and market conditions.

(3) The Government does not maintain specific data on petrol stations that are reopened.

Driveways—costs (Question No 949)

Mr Smyth asked the Minister for Planning, upon notice, on 16 February 2006:

(1) How much money is currently being held in trust within the ACT Planning and Land Authority for residential driveways that could be claimed by residents for the driveway they have laid and paid for on Government land;

(2) How many claims for reimbursement were made in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;

(3) What was the total amount of those claims in the years listed in part (2);

(4) What information is made available to residents to inform them that they may be able to be reimbursed for part of the total cost of laying a driveway in the ACT;

(5) What, if anything, is the Government doing to ensure that residents whose blocks have money held against them for a driveway, on the Government land component, can make a claim on those funds.

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

(1) Currently there is $87,190 held within the ACT Planning and Land Authority for residential driveways that were constructed on Government land by lessees. This represents about one hundred driveways.

(2) The number of claims for reimbursement for driveways are as follows:

(a) 4 in 2001-02
(b) 5 in 2002-03
(c) 2 in 2003-04
(d) 1 in 2004-05
(e) 4 in 2005-06 (to date)

(3) The total reimbursement for driveways for 2001-06 (to date) is $12,940.

(4) Developers are required to provide lessees with copies of Lease and Development Conditions that indicate whether the lessee or the developer is responsible for the construction of paved driveways on Government land. Lease and Development Conditions are also accessible on the ACT Planning and Land Authority's web page.

(5) Where developers have bought out their responsibilities for completing the developments, the Authority will continue to assess claims made by residents and provide reimbursements for driveways where applicable.

Workplace injuries (Question No 950)

Mr Smyth asked the Minister for Industrial Relations, upon notice, on 16 February 2006:

(1) What arrangements are prescribed under which public servants who are injured in the workplace are required to get medical advice;

(2) Are public servants who are injured in the workplace required to get a second opinion from another doctor in relation to their injury; if so, what is the reason for getting a second opinion and is it (a) in relation to the diagnosis of the injury, (b) in relation to the treatment required, (c) in relation to any program of rehabilitation or (d) for any other reason; if so, please explain the reason;

(3) Is the second opinion to be sought from a doctor located outside the ACT; if so, what is the reason for this requirement;

(4) How many public servants, who have been injured at work, have travelled outside the ACT to receive medical advice with respect to that injury in each year since 1994-95;

(5) How did public servants who have been injured at work and who obtained advice from a doctor located outside the ACT travel to visit that doctor;

(6) What was the cost of this travel and any associated expenses for each public servant who has travelled outside the ACT to obtain medical advice;

(7) Who pays the costs incurred for this travel.

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

(1) Comcare, a federal government authority, provides workers' compensation coverage for the Territory's public servants. It is a requirement of the Commonwealth's *Safety, Rehabilitation and Compensation Act* that a claim for injury from an injured worker must be accompanied by a medical certificate from a legally qualified medical practitioner. In order to determine liability in respect of a claim for workers' compensation, I am advised that Comcare will, on occasion, seek a second opinion with regard to medical evidence submitted by the injured worker.

(2) Where a second opinion is sought by Comcare, I am advised that this would generally be in respect of specialist medical opinion. The medical provider may also be asked to comment on issues associated with treatment and / or rehabilitation.

(3) Because of the limited number of specialists available in certain fields in the ACT, I am advised that Comcare may on occasion seek the advice of medical providers outside the ACT. More commonly, I am advised, the opinion of another medical provider within the ACT would be sought.

(4) Comcare have advised that calculation of the number of times public servants have been asked to travel outside of the ACT for a medical appointment would involve case by case examination of many thousands of claims.

(5) Comcare have advised that the method of travel used to attend such appointments varies and is determined in consultation with the injured worker.

(6) Comcare have advised that calculation of the overall cost of such travel would involve case by case examination of many thousands of claims.

(7) In cases where the injured worker is required to travel outside of the ACT for a medical appointment, the cost of travelling to and from such a provider is met by Comcare.

Disabled persons—housing (Question No 951)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2006:

(1) Which of the five principles will be adopted in reference to the "Principles of Good Housing for People with Disabilities";

(2) If any or all of the Principles are to be adopted, when will each of them be implemented;

(3) What forms of involvement will any relevant stakeholders in the Disability sector have with developing the education and training strategy in conjunction with the implementation of the Principles.

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

(1) The Department of Disability, Housing and Community Services has adopted all five "Principles of Good Housing for People with Disabilities".

(2) These principles are currently used, and will continue to be used, in the planning and delivery of housing and tenancy services for people with a disability in the ACT.

(3) At the Ministerial Housing Advisory Forum held on 7 February 2006, there was support for the establishment of an on-going working group consisting of a wide range of stakeholders to continue to examine housing and tenancy models and to provide a conduit to raise policy issues associated with housing, tenancy and support.

Housing—priority allocations (Question No 952)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2006:

(1) What is the waiting list for those people waiting for priority 1 allocation in (a) North Canberra, (b) Belconnen, (c) Weston, (d) Woden, (e) Tuggeranong, (f) rural, including Oaks Estate and (g) Gunghalin, as at the end of January 2006;

(2) What is the waiting list for those people waiting for priority 1 allocation for (a) 1, (b) 2 and (c) 3 bedroom flats as at the end of January 2006;

(3) What is the waiting list for those people waiting for priority 1 allocation for (a) 2, (b) 3, (c) 4 and (d) 5 plus bedroom houses as at the end of January 2006;

(4) What is the waiting list for those people waiting for priority 1 allocation for aged persons units with (a) 1 and (b) 2 bedrooms as at the end of January 2006.

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

(1)	North Canberra	59
	Belconnen	234
	Weston	4
	Woden	47
	Tuggeranong	160
	Rural (including Oaks Estate)	9
	Gunghalin	10
(2)	1 bedroom flats	149
	2 bedroom flats	170
	3 bedroom flats	30
(3)	2 bedroom house	7
	3 bedroom house	118
	4 bedroom house	20
	5 plus bedroom house	4
(4)	1 bedroom aged persons unit	12
	2 bedroom aged persons unit	4

Housing—allocation times (Question No 953)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2006:

(1) What is the average allocation of time in (a) City, including North Canberra, (b) Belconnen, (c) Weston, (d) Woden, (e) Tuggeranong, (f) rural, including Oaks Estate and (g) Gunghalin, as at the end of January 2006;

(2) What is average allocation time for (a) 1, (b) 2 and (c) 3 bedroom flats as at the end of January 2006;

(3) What is the average allocation of time for (a) 2, (b) 3, (c) 4 and (d) 5 plus bedroom houses as at the end of January 2006;

(4) What is the average allocation of time for aged persons units with (a) 1 and (b) 2 bedrooms as at the end of January 2006.

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

This information is for tenancies created 1 July 2005 to 31 January 2006. The length of time between registration for assistance and tenancy creation are shown as days.

(1)	City including North Canberra	317
	Belconnen	485
	Weston	486
	Woden	509
	Tuggeranong	529
	Rural including Oaks Estate	47
	Gunghalin	382

(2)	1 bedroom flats	384
	2 bedroom flats	361
	3 bedroom flats	257
(3)	2 bedroom house	373
	3 bedroom house	505
	4 bedroom house	671
	5 plus bedroom house	993
(4)	1 bedroom aged person unit	438
	2 bedroom aged person unit	565

ACTION—services (Question No 954)

Mrs Dunne asked the Minister for Planning, upon notice, on 16 February 2006:

(1) Have there been any inquiries or studies into the possibility of an intertown bus service starting from or incorporating Dunlop; if not, why not; if so, what have the results been;

(2) Will the Minister be looking into extending bus services to incorporate Dunlop; if not, why not; if so, when will this be happening.

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

(1) No. ACTION provides a number of direct and express services incorporating Dunlop. Routes 43, 45, 46, 243 and 946 service Dunlop to Belconnen Interchange, with Route 234 continuing through Civic interchange to Russell Offices. Express service – Xpresso 703 – services Dunlop to Civic Interchange, Russell Offices and Parkes in the am peak and return in the pm peak.

(2) As part of ACTION's network reviews an assessment is carried out on all routes and services provided. At present ACTION believes there are appropriate services provided to Dunlop residents.

Roads—accident statistics (Question No 955)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 16 February 2006:

(1) In relation to accident statistics in speed camera zones in the electorate of Ginninderra, how many accidents have occurred in (a) 2001-2002, (b) 2002-2003, (c) 2003-2004, (d) 2004-2005 and (e) 2005-06 to date along (i) Barry Drive, Northbourne Avenue to Belconnen Way, (ii) Barton Highway, Federal Highway to Kuringa Drive, (iii) Belconnen Way, Barry Drive to Kingsford Smith Drive, (iv) Chuculba Crescent, William Slim Drive to Baldwin Drive, (v) Coppins Crossing Road, Uriarra Road to William Hovell Drive, (vi) Florey Drive, Southern Cross Drive to Ginninderra Drive, (vii) Ginninderra Drive, Ellenborough Street to Florey Drive, (viii) Kerrigan Street,

Ginninderra Drive to Tillyard Drive, (ix) Kingsford Smith Drive, Kuringa Drive to Spalding Street, (x) Maribyrnong Avenue, Baldwin Drive to Baldwin Drive, (xi) Owen Dixon Drive, Kuringa Drive to William Slim Drive, (xii) Petterd Street, Belconnen Way to Chewings Street, (xiii) Springvale Drive, Belconnen Way to Coulter Drive, (xiv) Tillyard Drive, Kuringa Drive to Ginninderra Drive, (xv) Kuringa Drive between Owen Dixon Drive and Barton Highway, (xvi) William Hovell Drive between Bindubi Street and Coulter Drive, (xvii) William Hovell Drive between Coulter Drive and Drake Brockman Drive, (xviii) Bindubi Street between Bandjalong Crescent and Cross Street, (xix) Southern Cross Drive between Coulter Drive and Kingsford Smith Drive, (xx) Southern Cross Drive between Kingsford Smith Drive and Spofforth Street, (xxi) Coulter Drive between Belconnen Way and Lachlan Street, (xxii) Eastern Valley Way between Belconnen Way and College Street and (xxiii) Haydon Drive between Belconnen Way and Ginninderra Drive;

(2) How many (a) fatalities and (b) injuries have occurred in accidents in (i) 2001-2002, (ii) 2002-2003, (iii) 2003-2004, (iv) 2004-2005 and (v) 2005-06 to date along those roads listed in part (1).

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

1. and 2. Table attached.

NOTE:

Due to technical issues associated with the changeover to a new Asset Management System it has not been possible to extract data in the requested format beyond Oct 2005. This situation will be rectified by May 2006.

ACCIDENTS 1.07.2001 – 30.10.2005

LOCATION	**SEVERITY**	**2001/2002**	**2002/2003**	**2003/2004**	**2004/2005**	**01/07/05 to 30/10/05**
BARRY DR						
Northbourne Ave to	Fatal	1	0	0	0	0
Belconnen Way	Injury	0	3	2	1	1
	Property	72	91	64	74	21
	Total	**73**	**94**	**66**	**75**	**22**
BARTON HWY						
Federal Hwy to	Fatal	0	0	0	0	0
Kuringa Dr	Injury	8	2	4	3	1
	Property	127	95	111	78	24
	Total	**135**	**97**	**115**	**81**	**25**
BELCONNEN WAY						
Barry Dr to	Fatal	0	0	1	0	0
Kingsford Smith Dr	Injury	7	11	6	8	4
	Property	157	211	181	206	49
	Total	**164**	**222**	**188**	**208**	**53**
CHUCULBA CR						
WilliamSlim Dr to	Fatal	0	0	0	0	0
Baldwin Dr	Injury	0	0	0	1	0
	Property	7	4	4	2	1
	Total	**7**	**4**	**4**	**3**	**1**
COPPINS CROSSING RD						
Uriarra Rd to	Fatal	0	0	0	0	0
William Hovell Dr	Injury	3	0	0	1	1
	Property	9	10	7	10	6
	Total	**12**	**10**	**7**	**11**	**7**

FLOREY DR						
Southern Cross Dr to	Fatal	0	0	0	0	0
Ginninderra Dr	Injury	0	0	1	0	0
	Property	11	8	8	5	1
	Total	**11**	**8**	**9**	**5**	**1**
GINNINDERRA DR						
Ellenborough St to	Fatal	1	0	1	0	0
Florey Dr	Injury	8	6	7	11	5
	Property	182	191	170	134	44
	Total	**191**	**197**	**178**	**145**	**49**
KERRIGAN ST						
Ginninderra Dr to	Fatal	0	0	0	0	0
Tillyard Dr	Injury	1	0	0	0	0
	Property	8	7	3	14	1
	Total	**9**	**7**	**3**	**14**	**1**
KINGSFORD SMITH DR						
Kuringa Dr to	Fatal	0	0	0	0	0
Spalding St	Injury	0	0	1	0	0
	Property	7	7	6	6	1
	Total	**7**	**7**	**7**	**6**	**1**
MARIBYRNONG AVE						
Baldwin Dr to	Fatal	0	0	0	0	0
Baldwin Dr	Injury	1	2	1	0	0
	Property	22	19	22	22	13
	Total	**23**	**21**	**23**	**22**	**13**
OWEN DIXON DR						
Kuringa Dr to	Fatal	0	0	0	0	0
William Slim Dr	Injury	0	0	0	0	0
	Property	17	2	7	1	1
	Total	**17**	**2**	**7**	**1**	**1**
PETTERD ST						
Belconnen Way to	Fatal	0	0	0	0	0
Chewings St	Injury	0	0	0	2	0
	Property	2	2	1	3	3
	Total	**2**	**2**	**1**	**5**	**3**
SPRINGVALE DR						
Belconnen Way to	Fatal	0	0	0	0	0
Coulter Dr	Injury	0	0	0	0	0
	Property	8	7	7	7	0
	Total	**8**	**7**	**7**	**7**	**0**
TILLYARD DR						
Kuringa Dr to	Fatal	0	0	0	0	0
Ginninderra Dr	Injury	1	0	0	2	0
	Property	17	14	19	16	4
	Total	**18**	**14**	**19**	**18**	**4**
KURINGA DR						
Owen Dixon Dr to	Fatal	0	0	0	0	0
Barton Hwy	Injury	1	1	0	0	0
	Property	5	1	3	3	2
	Total	**6**	**2**	**3**	**3**	**2**
WILLIAM HOVELL DR						
Bindubi St to	Fatal	0	0	0	0	0
Coulter Dr	Injury	0	0	1	1	0
	Property	16	9	12	9	3
	Total	**16**	**9**	**13**	**10**	**3**
WILLIAM HOVELL DR						
Coulter Dr to	Fatal	0	0	0	1	1
Drake Brockman Dr	Injury	0	2	1	3	1
	Property	13	12	13	16	7
	Total	**13**	**14**	**14**	**20**	**9**

BINDUBI ST						
Bandjalong Cr to	Fatal	0	0	0	0	0
Cross St	Injury	0	0	0	1	0
	Property	1	3	0	0	0
	Total	**1**	**3**	**0**	**1**	**0**
SOUTHERN CROSS DR						
Coulter Dr to Kingsford Smith Drive	Fatal	0	0	0	0	0
	Injury	1	0	1	1	0
	Property	14	7	11	8	2
	Total	**15**	**7**	**12**	**9**	**2**
SOUTHERN CROSS DR						
Kingsford Dr to	Fatal	0	0	0	0	0
Spofforth St	Injury	2	5	2	0	0
	Property	30	22	32	18	11
	Total	**32**	**27**	**34**	**18**	**11**
COULTER DR						
Belconnen Way to	Fatal	0	0	0	0	0
Lachlan St	Injury	0	0	0	0	0
	Property	0	3	1	2	0
	Total	**0**	**3**	**1**	**2**	**0**
EASTERN VALLEY WAY						
BelconnenWay to	Fatal	0	0	0	0	0
College St	Injury	0	0	1	0	0
	Property	3	2	2	6	2
	Total	**3**	**2**	**3**	**6**	**2**
HAYDON DR						
Belconnen Way to	Fatal	0	0	0	0	0
Ginninderra Dr	Injury	2	1	1	2	1
	Property	88	54	84	37	24
	Total	**90**	**55**	**85**	**39**	**25**

Roads—accident statistics (Question No 956)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 16 February 2006:

(1) How many accidents have occurred along Haydon Drive, Bruce in (a) 2001-2002, (b) 2002-2003, (c) 2003-2004, (d) 2004-2005 and (e) 2005-06 to date;

(2) How many (a) fatalities and (b) injuries have occurred in those accidents listed in part (1) in (i) 2001-2002, (ii) 2002-2003, (iii) 2003-2004, (iv) 2004-2005 and (v) 2005-06 to date.

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

NOTE:

Due to technical issues associated with the changeover to a new Asset Management System it has not been possible to extract data in the requested format beyond Oct 2005. This situation will be rectified by May 2006.

1. and 2. Haydon Drive between Belconnen Way and Ginninderra Drive Bruce.

SEVERITY	2001/2002	2002/2003	2003/2004	2004/2005	01/07/05 to 30/10/05
Fatal	0	0	0	0	0
Injury	2	1	1	2	1
Property	88	54	84	37	24
Total	**90**	**55**	**85**	**39**	**25**

Roads—accident statistics (Question No 957)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 16 February 2006:

(1) How many accidents have occurred along Kingsford Smith Drive, Melba, between Spalding Street and Ginninderra Drive in (a) 2001-2002, (b) 2002-2003, (c) 2003-2004, (d) 2004-2005 and (e) 2005-06 to date;

(2) How many (a) fatalities and (b) injuries have occurred in those accidents listed in part (1) in (i) 2001-2002, (ii) 2002-2003, (iii) 2003-2004, (iv) 2004-2005 and (v) 2005-06 to date.

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

NOTE:

Due to technical issues associated with the changeover to a new Asset Management System it has not been possible to extract data in the requested format beyond Oct 2005. This situation will be rectified by May 2006.

1. and 2. Kingsford Smith Drive Between Spalding Street and Ginninderra Drive, Melba

SEVERITY	2001/2002	2002/2003	2003/2004	2004/2005	01/07/05 to 30/10/05
Fatal	0	0	0	0	0
Injury	0	1	0	1	0
Property	8	7	10	6	2
Total	**8**	**8**	**10**	**7**	**2**

Roads—parking inspectors (Question No 958)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 16 February 2006:

(1) How many parking inspectors have been deployed outside schools in the ACT;

(2) What times of the day are these inspectors working outside schools;

(3) Which schools have these inspectors been working outside and which schools will they be working outside in the future;

(4) Will the presence of parking inspectors outside schools become a regular fixture; if so, why; if not, why not.

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

(1) Parking officers are deployed outside schools on a complaints basis. In 2004/2005 parking officers attended to 90 school complaints.

(2) Parking officers respond to school complaints by providing patrols between 8.15am and 9.00am, and 3.00pm and 3.45pm.

(3) In 2004/2005 parking officers attended complaints at the following schools: The Burgmann School, Gold Creek Primary, Holy Family Gowrie, Girls Grammar Senior School, Merici College, Marist College, Daramalan College, North Ainslie Primary, Lyneham Primary, Girls Grammar Junior School, Forrest Primary, Red Hill Primary, Sacred Heart Primary, Mawson Primary, Hughes Primary, St Francis Xavier, Mackillop Catholic College, Telopea Primary, UC, Campbell Primary, Fraser Primary, Palmerston Primary, Miles Franklin Primary, Garran Primary, St Claire of Assisi, Canberra Boys Grammar, Richardson Primary, Charles Conder Primary, Bruce CIT, South Curtin Primary, Theodore Primary, Torrens Primary, St Clares College, Ainslie Primary, Weetangera Primary, Mt Rogers Community and Amaroo Primary.

These schools will be patrolled on a random basis in the future.

(4) Parking officers will continue to patrol schools on a complaints basis to improve safety, ensure visibility is maintained at pedestrian crossings and that adequate access is available for ACTION buses, pedestrians and other motorists.

Kippax library (Question No 959)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 16 February 2006:

(1) How long has the air conditioning in the Kippax library been out of service;

(2) Why is the air conditioning out of service;

(3) When is the air conditioning expected to be in service again.

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

(1) The recently completed Kippax Library experienced operational problems with the air-conditioning system from the time it opened on 30 August, 2005, to 31 January 2006 when issues were largely resolved.

(2) The air conditioning is now in service throughout the Library except in the Community room where the air conditioning is currently being tested prior to recommissioning.

(3) The remaining air conditioning issue related to the Community room is expected to be resolved very shortly at which time the air conditioning will be operational throughout the entire Library.

Policing—officers (Question No 960)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 16 February 2006:

(1) What is the correct figure for sworn and unsworn police officers in the ACT given that Productivity Commission figures state that there were 802 sworn and unsworn police officers in the ACT during 2004-05 however the ACT Policing annual report states there were 791.5;

(2) Was it stated in the police estimates hearings of 26 May 2005 that the Productivity Commission report on Government Services for 2002-03 listed the number of Police officers in the ACT at 809; if so, why has this number decreased by 7 officers, to its current level of 802 in the 2004-05 report;

(3) Was it stated in the police estimates hearings of 26 May 2005 that the Productivity Commission report is not a pure full time equivalent (FTE) count; if so, how can the Minister claim the Productivity Commission figures are accurate when they are not a true FTE count that is used in the ACT Policing annual report;

(4) How many police officers were on long service leave when that figure of 802 police officers listed in the Productivity Commission report was calculated.

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

(1) Both figures are technically correct as they represent differing measures of ACT Policing staff. The Productivity Commission measurement consists of the average of the opening and closing staff balances for the financial year. Annual report figures represent the number of AFP staff dedicated to ACT Service provision as at a point in time (30 June 2005). ACT Policing's staffing profile peaks and dips depending on the operational tempo. In 2004/05, ACT Policing were funded to provide an annualised 796 FTE officers.

(2) Variations in staffing levels as measured by the Productivity Commission between financial years are to be expected due to their reliance on only two points of reference. Given the dynamic and complex nature of the policing operations and the fact that recruit intakes do not follow identical patterns across financial years, minor variations in staffing levels, as measured by the Productivity Commission are to be expected. Any reported variation is simply a result of differing actual staffing levels as measured on 1 July and 30 June of each financial year.

(3) Productivity Commission staffing figures represent the average (Full Time Equivalent) FTE using two points of reference being the start and end of financial year. While both Productivity Commission and ACT Policing Annual report figures do not represent the actual average FTE achieved across the entire financial year, Productivity Commission figures are the only ones that have been prepared using a consist methodology across all police jurisdictions. As such Productivity Commission figures are the only figures that can be used for comparison purposes across policing jurisdictions.

(4) There were 3.36 FTE police officers on long service leave when the figure of 802 police officers listed in the Productivity Commission report was calculated.

Emergency Services Authority (Question No 961)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 16 February 2006:

(1) Was the Emergency Services Authority (ESA) approached in 2003 by a firm known as WARPS Australia; if so, what did this company offer to the ESA;

(2) Why, when considering the tender process for a new communication facility that could provide automatic vehicle location technology and a common operating picture, was WARPS Australia not considered;

(3) Why was WARPS Australia not mentioned in estimates hearings of 26 May 2005 as one of the systems that was considered after WARPS Australia had approached the ESA;

(4) Given that Stuart Ellis, the chair of the COAG Inquiry on Bushfire Management and Mitigation has stated that he has absolutely no reservations about the benefits that WARPS can provide to rural fire services, why has a system that is considered so beneficial to rural fire services not been considered by the ESA;

(5) Is the ESA aware that a WARPS system could have been installed into all Rural Fire Service vehicles for under $100 000; if so, why was WARPS not seriously considered as an alternative to the current Firelink system;

(6) Why was a single select tender chosen as the most appropriate procurement method for a technology that was available from more than one provider;

(7) How much did the trial for Firelink cost the ACT Government;

(8) Are results from the Firelink trial publicly available; if not, why not;

(9) If results from the Firelink trial have not been made public, when will they be made public;

(10) Why was WARPS Australia not offered a trial to display their technologies;

(11) Has the ESA breached any procurement guidelines in selecting Firelink as its preferred provider;

(12) Given that the 2004-05 ESA annual report stated that a contractor by the name Opcomm Pty Ltd received payments of $140 720 to provide Firelink and Trunk radio support, (a) what is the registered business address of Opcomm, (b) who are the directors of the company, (c) what experience have they had with Firelink and the Trunk radio network and (d) what services did they provide for the $140 720 paid to them;

(13) What other contractors were considered for this Firelink and trunk radio support contract, and why were they not selected for the contract.

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

(1) The (then) Emergency Services Bureau (ESB) was approached in 2003 by a company, ITinc Developments Pty Ltd, with a proposal involving a product known as WARPS (Wireless Automated Response Positioning System).

(2) WARPS was considered and rejected at the time, because it did not provide the functionality to meet operational requirements.

(3) It was not mentioned in estimates hearing on 26 May 2005 as it did not meet operational or technical requirements.

(4) Refer (2).

(5) Refer (2)

(6) Already answered:
- Estimates Hearing on 26 May 2005
- Question on Notice 371
- Mr Pratt's FOI request to ESA of 25 July 2005.

(7) Already answered
- Estimates Hearing on 26 May 2005
- Mr Pratt's FOI request to ESA of 25 July 2005.

(8) No, the information is Commercial-in-Confidence.

(9) The trial is Commercial-in-Confidence and will not be released publicly.

(10) Not considered as the technology did not meet operational requirements.

(11) No.

(12) (a) Available through the Australian Securities & Investments Commission.

(b) Available through the Australian Securities & Investments Commission.

(c) Involvement in the Phase 1 of transitioning Firelink and Trunk Radio Network into service

(d) Already answered
- Annual & Financial Reports 2004-2005 QON – LA36

(13) Three other companies were considered. The selected contractor was assessed as having the most relevant skills, knowledge of systems and capacity to integrate quickly into the project team.

Petrol stations (Question No 962)

Mr Seselja asked the Minister for Planning, upon notice, on 16 February 2006:

(1) What form of economic analysis or demand study was undertaken prior to approval being given for the construction of a new service station in the Erindale shopping centre and if such a study was undertaken, what were the results;

(2) What analysis was undertaken on the effect of an additional service station on other service stations in the vicinity and what was the result of such analysis;

(3) How many representations were received during the public notification process and what was the content of those representations.

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

(1) No specific economic or demand analysis was undertaken prior to Development Application approval. A service station on the block is a permitted use under the current Crown Lease;

(2) There was no specific analysis undertaken as to the effect of an additional service station on other service stations in the vicinity. The use of the site as a service station is permitted under the Territory Plan, Commercial B Group Centre Land Use Policy – Precinct "C" Mixed Use area overlay;

(3) There were ten representations to the ACT Planning and Land Authority during the public notification period (six submissions within time and four late submissions) of the Development Application. The representations raised issues concerning:

- the rear (non active frontage) of the retail building would be facing the main entrance to Erindale library;
- the location of the waste collection area;
- traffic and parking implications;
- health and safety issues for students at Erindale College;
- adequacy of the size of the access road to accommodate petrol tankers;
- current adequate supply of petrol stations in the area; and
- safety concerns for students crossing the site to go to McDonalds.

Development—applications (Question No 963)

Mr Seselja asked the Minister for Planning, upon notice, on 16 February 2006:

(1) What was the average time for an approval of a development application when the Local Area Planning Advisory Committee (LAPACS) were in operation, not including those which were subject to call in powers being exercised for (a) single and (b) multi-unit residential development and (c) commercial projects;

(2) What is the average time taken by ACT Planning and Land Authority or its predecessors for approval of a development, not including those which were subject to call in powers being exercised, since the abolition of LAPACS for (a) single and (b) multi-unit residential development and (c) commercial projects.

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

(1) & (2) The referral of DAs to Local Area Planning Advisory Committees was not a statutory requirement of the DA process and had no obvious impact on the processing times for DAs. Any variances during the 10-year reporting period below may be attributed to a range of influencing factors. Multi unit residential and commercial DAs are reported together.

LAPACs In operation	Year	Single residential	Non single residential and commercial
Yes	January – December 1995	16.54	38.54
Yes	January – December 1996	17.54	28.76
Yes	January – December 1997	19.22	16.68
Yes	January – December 1998	20.64	35.24
Yes	January – December 1999	14.57	29.87
Yes	January – December 2000	9.97	32.86
Yes	January – December 2001	12.01	26.68
Yes	January – December 2002	12.83	28.70
Yes	January – December 2003	12.09	32.64
Yes (to Sept 2004)	January – December 2004	16.32	35.07
No	January – December 2005	14.52	26.32

Note: Average time for approval is business days. Does not include approvals which were subject to call-in powers.

Save the Ridge group (Question No 964)

Mr Seselja asked the Minister for Urban Services, upon notice, on 16 February 2006:

(1) Has an application for the Territory share of costs associated with the court action between "Save the Ridge" and joint parties, the National Capital Authority and the Territory been submitted to court;

(2) When does the Minister expect this matter to be finalised;

(3) What are the additional costs incurred by the Territory because of delays caused by court actions initiated by the "Save the Ridge" group;

(4) Has the Minister received advice on whether an application made to recoup costs incurred by the Territory as a result of the failed court action by the "Save the Ridge" group is likely to be successful; if so, what did the advice say.

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

(1) An application for the Territory share of costs was made in all court proceedings launched by "Save the Ridge" in which the Territory was successful.

(2) The Government Solicitor's Office is currently negotiating a settlement of the costs issues with "Save the Ridge".

(3) During the period of the delays caused by "Save the Ridge's" legal actions the cost of the project increased by around $20 million.

(4) Because the ACT's Bill of Costs is before the Federal Court pending taxation, a judgement on the award of costs before the Full Federal Court is still pending and negotiations between 'Save the Ridge" and Government Solicitor's Office on the settlement of costs are ongoing, it would not be in the interest of the Territory to answer this question at this stage.

Health—umbilical cord blood (Question No 965)

Mr Smyth asked the Minister for Health, upon notice, on 7 March 2006:

(1) Given that during a motion regarding umbilical cord blood donation in June 2003 the Minister stated that the ACT is contributing $164 000 for the four-year period from 2001-02 to 2004-05 as our part of the across-Australia contribution to the establishment of the national cord blood collection network, what will the ACT contribute to the network in 2005-06 and what funding is committed for future years to the network;

(2) How many Canberrans accessed blood from the national cord blood network in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;

(3) What has been the associated cost of accessing blood from the cord blood network for Canberra patients or are there no costs due to our annual contribution to the national network;

(4) How many women, that the Minister or ACT Health has been made aware of, have expressed an interest in wanting to collect their own umbilical cord blood in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date.

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

(1) ACT's contribution to the National Cord Blood Collection Network (NCBCN) is:

- $39,360 (2005-2006)
- $42,133.94 (2006-2007)
- funding beyond 2006-07 will be subject to the outcome of the Independent Review of the NCBCN which is due report in June 2006.

(2) These data are unavailable.

(3) Access is at no cost to patients.

(4) Nil.

Circus safety arrangements (Question No 967)

Mr Mulcahy asked the Minister for Industrial Relations, upon notice, on 7 March 2006:

(1) What inspections were undertaken by officers of Workcover or any other ACT Government agency in relation to safety arrangements for circus performers appearing at Circus Oz in recent weeks in Canberra;

(2) Why were safety nets not in place to protect acrobatic or stunt performers appearing in performances of Circus Oz;

(3) Were inspections of the facility undertaken following the recent injuries that were endured by a performer at Circus Oz; if so, what were the findings of any such inspections; if not, why were they not undertaken;

(6) Will the Minister table any reports, correspondence, memoranda, emails or other documentation related to the incident in which a Circus Oz employee was injured;

(7) Is any further action contemplated in relation to the incident; if not, why not.

Ms Gallagher: I am advised by the Occupational Health and Safety Commissioner that the answer to Mr Mulcahy's question is as follows:

(1) ACT WorkCover undertook no inspections at Circus Oz.

(2) Circus Oz uses foam crash mats rather than safety nets.

(3) Inspections of the facility were not undertaken. ACT WorkCover contacted Circus Oz to make enquires about the incident and was informed the equipment involved was dismantled within hours of the incident and inspected by an engineer and welder. Circus Oz reported the incident to the Victorian Workcover Authority on the first business day after the incident. Circus Oz headquarters are in Victoria. Circus Oz provided ACT WorkCover with an injury and dangerous occurrence report that identified the immediate remedial actions taken. Subsequent discussions between ACT WorkCover and Circus Oz confirmed the actions taken. See answer to (7) below.

(6) No

(7) No further action is proposed. The incident and the injury sustained were minor, no members of the public were endangered, the activity was not repeated, the workplace no longer exists and there was no reliable physical evidence to inspect as the equipment was dismantled within hours of the incident. ACT WorkCover is satisfied with the actions taken by Circus Oz administration after the incident. The Victorian Workcover Authority has advised it is satisfied with the remedial actions taken and will liaise with Circus Oz but does not intend to take compliance action.

Namadgi National Park—prescribed burning (Question No 974)

Mr Pratt asked the Minister for the Environment, upon notice, on 8 March 2006:

(1) What is the current policy on prescribed burning within Namadgi National Park;

(2) What are the current acceptable bushfire fuel loads for ACT National Parks;

(3) What are the fuel loads in the area of Namadgi National Park that are north of the NSW region of Shannons Flat;

(4) When was the last time that prescribed burning took place along the southern border of Namadgi National Park, in particular the area north of Shannons Flat;

(5) What are the current identified fuel loads across Namadgi National Park and if any fuel loads are above the level identified in part (2), when will they be reduced and why have they not been reduced to date;

(6) When was the last time that prescribed burning took place anywhere along the southern border of Namadgi National Park, what areas were targeted, who undertook the program and what level of success was achieved;

(7) Has the ACT Government received any complaints regarding bushfire fuel loads in Namadgi National Park; if so, how many complaints were received and what action has been taken regarding the complaints.

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

(1) The current policy is to undertake prescribed burning as required to achieve the fuel and other standards specified in the ACT Strategic Bushfire Management Plan (SBMP).

(2) The current acceptable bushfire fuel loads for ACT National Parks, and all other areas, are specified in Appendix 4 of the SBMP and vary from location to location.

(3) Overall fuel hazard was assessed in this area in 2005 and was found to be at or below high (the standard in the SBMP) in 100% of the sites assessed.

(4) There is no record of prescribed burning having been undertaken along the southern border of Namadgi National Park in the last decade. Despite this, the overall fuel hazard in 2005 was found to be at or below high (the standard in the SBMP) in 100% of the sites assessed (this included many areas that were not burnt in the 2003 bushfires).

(5) Based on the 2005 fuel hazard assessment, the fuel standards specified in the SBMP are met throughout Namadgi National Park and hence no areas of the park were identified for prescribed burning in Environment ACT's 2005/06 Bushfire Operations Plan (BOP).

Environment ACT is currently undertaking further fuel hazard assessments across the ACT and if this identifies any areas where SBMP standards are not being met these areas will be listed in Environment ACT's BOP for treatment in 2006/07.

(6) There is no record of prescribed burning having been undertaken along the southern border of Namadgi National Park in the last decade. Despite this, the overall fuel hazard in 2005 was found to be at or below high (the standard in the SBMP) in 100% of the sites assessed (this included many areas that were not burnt in the 2003 bushfires).

(7) The ACT Government has received no formal complaints regarding bushfire fuel loads in Namadgi National Park this financial year.

Canberra Islamic School (Question No 976)

Mr Pratt asked the Minister for Disability, Housing and Community Services, upon notice, on 8 March 2006:

(1) Did the ACT Government receive an application from the Canberra Islamic School for the Canberra Community Grants Program 2005-06 Funding Round;

(2) If an application was received, was funding granted to the Canberra Islamic School; if so, how much was granted; if funding was not granted, why not.

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

(1) Yes

(2) The Canberra Community Grants Committee did not support the application, as it did not meet the eligibility criteria of the Program, which states that applications must include activities or projects that support networking at the grassroots level and address social isolation. Funding was therefore not granted and the applicant was informed in February 2006.
