



Debates

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Legislative Assembly for the ACT

SIXTH ASSEMBLY

4 MAY 2006

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Thursday, 4 May 2006

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Thursday, 4 May 2006

The Assembly met at 10.30 am.

(Quorum formed.)

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

Statute Law Amendment Bill 2006

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.32): I move:

That this bill be agreed to in principle.

This bill makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The bill makes amendments that are minor or technical and non-controversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and may be inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001.

However, the bill serves the important purpose of improving the overall quality of the ACT statute book so that our laws are kept up to date and are easier to find, read and understand. A well-maintained statute book significantly enhances access to ACT legislation and it is a very practical measure to give effect to the principle that members of the community have a right to know the laws that affect them.

The enhancement of the ACT statute book through the technical amendments program is also a process of modernisation. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum level of consistency in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

This Statute Law Amendment Bill deals with three kinds of matters. Schedule 1 provides for a minor, non-controversial amendment proposed by a government agency. Schedule 2 contains amendments to the Legislation Act 2001 and the Legislation Regulation 2003 proposed by the parliamentary counsel to ensure that the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice.

Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of legislation. Statute law amendments bills may also include a fourth schedule that repeals redundant legislation. However, a fourth schedule is not included in this Statute Law Amendment Bill.

The bill contains a large number of minor amendments with detailed explanatory notes, so it would not be useful for me to go through them now. However, I would like to briefly mention several matters.

Schedule 1 amends the Emergencies Act 2004 to remove an anomaly relating to burning off. The intended effect of section 123 (2) was that the owner of land had to comply with the two requirements about clearance of flammable material and notice to adjoining occupiers before being permitted to burn off outside the bushfire season. However, under the section, as made, the owner need only comply with either of the requirements. The amendment links the requirements by changing an “or” to an “and” at the end of section 123 (2) (a).

Schedule 2 provides for non-controversial structural amendments to the Legislation Act 2001 and the Legislation Regulation 2003 initiated by the parliamentary counsel’s office. Structural issues are particularly concerned with making the statute book more coherent and concise and therefore more accessible. Strategies to achieve these objectives include avoiding unnecessary duplication and achieving the maximum degree of standardisation of legislative provisions consistent with policy requirements and operational needs.

The amendments to the Legislation Act in schedule 2, part 2.1 include the following: replacement of the term “registrable instrument” with the better known term “legislative instrument”; amendments to clarify and simplify section 88, which is about the continuing operation of transitional and validating laws after their repeal or expiry, in particular to ensure that the repeal or expiry of a transitional or validating law does not of itself displace section 88 or give rise to an implication that section 88 is intended to be displaced and an amendment to section 89 to ensure the automatic repeal of amending laws that cannot fully commence, for example, where the law amended has been repealed.

Schedule 3 includes amendments to acts that have been reviewed as part of an ongoing program of updating and improving the language and form of legislation. The amendments are technical in nature and include the insertion of dictionaries and the inclusion of notes for the benefit of users of legislation. The notes are part of the overall strategy to raise awareness of the impact of the Legislation Act on other legislation.

In addition to the explanatory notes in the bill, the parliamentary counsel is also available to provide any further explanation or information that members would like about any of the amendments made by the bill. I commend the bill to the Assembly.

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

Legal Profession 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—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.38): I move:

That this bill be agreed to in principle.

It is my pleasure today to present the Legal Profession Bill 2006. Before entering into the debate on the bill itself, I should advise members that copies of the bill distributed to members contain a small numbering error, which unfortunately occurred at the final production stage of the bill. I have presented two correct copies of the bill in A4 size to the Assembly this morning for the purposes of the official record. I undertake to table the correct copies for members on Tuesday, 9 May.

This bill repeals and replaces the current Legal Practitioners Act 1970. It represents a major milestone in achieving consistency and uniformity in the regulation of the Australian legal profession. Importantly, it will also make it easier for lawyers to practise across state, territory and international borders.

The hotchpotch of state and territory based regulatory regimes for the legal profession has for many years imposed unreasonable burdens on practitioners who want to practise across borders. Further, consumer interests are not served by differences that interfere with the efficient conduct of business.

To address this the Standing Committee of Attorneys-General, or SCAG, as it is known, agreed to the development of national model laws to facilitate legal practice across state and territory jurisdictions. The standing committee worked closely with the Law Council of Australia in developing the model and, like my fellow state and territory attorneys-general, I thank the law council for its substantial contribution.

In 2003 a consultation version of the model provisions was released to a large number of stakeholders. These included professional associations for legal practitioners, regulatory authorities, consumer organisations and heads of courts and tribunals. In preparing the bill in accordance with the national model, there has been extensive consultation, in particular with the law society and the bar association. There has also been considerable engagement with other stakeholders at differing levels. I would like to thank all of those bodies and individuals for their contributions, which have been both significant and highly valued.

This bill substantially adopts the national model provisions for the ACT. It is the culmination of several years of hard work and cooperation across all jurisdictions. While the results of the national project are outstanding, it is inevitable that, from time to time, this legislation will require amendment as the national model is revised and amended.

Facilitating legal practice across state and territory boundaries will be a continuing project.

The result of the collaborative effort is a bill that not only removes barriers to lawyers practising across state and territory borders, but also implements a national model in the context of our local legal and professional environment. Under the bill a legal practitioner admitted in the ACT will now be able to practise in any Australian jurisdiction without the need to also be admitted in that jurisdiction. A client in the ACT will have very much the same rights and remedies as a client in Victoria, or indeed in any other Australian jurisdiction. Disciplinary action taken against a practitioner in the ACT may now be enforced in any other Australian state or territory.

Under this legislation, ACT barristers will now be granted a practising certificate and will generally be subject to its provisions about insurance and compliance. Barristers will, however, be subject to some specific provisions, and excepted from the operation of others, because of the differing nature of the services they provide and the manner in which the advocates' arm of the legal profession operates. For example, barristers will not receive or manage trust money or trust property.

In line with the agreement between states and territories, this bill is set to commence on 1 July 2006. Regulatory and other authorities affected by the amendments have been working steadfastly to establish the new processes and procedures that will be required. Most importantly, they require certainty about the legal requirements for the granting and renewal of practising certificates and about insurance requirements from 1 July 2006.

There are, however, some exceptions to the proposed commencement date. To allow the profession to make ready for some of the more complex operational requirements, the provisions relating to management of trust money and property will commence on 1 April 2007. The provisions relating to disclosure of costs to clients will commence on 1 January 2007. Leading up to these dates, the professional groups will be engaged in training their members and developing procedures and formal instruments.

I will not attempt at this time to go through the detail of this very long bill. The following may, however, help to simplify or clarify members' consideration of its content. Members should be aware that the bill is based almost entirely on model provisions of three types. Firstly, core uniform core provisions are to be adopted in each state and territory using the same wording, as far as practicable. Secondly, core non-uniform core provisions are to be adopted in each state and territory, but the wording of the model provisions need not be adopted. Thirdly, non-core provisions will allow the states and territories to choose the extent to which they will adopt or omit these provisions.

Because all jurisdictions are obliged to incorporate core provisions, implementation of this legislation will bring a new, high level of consistency across Australia in legislation regulating the legal profession. About 330 of more than 600 provisions in the bill have some level of core status and are therefore, to some degree, mandatory. The majority of non-core provisions re-enact sections in the existing act.

Chapter 1 contains machinery provisions for commencement and application of the Criminal Code, definitions and other interpretative provisions. There are some changes

from the terms used in the Legal Practitioners Act 1970 aimed at facilitating the national legal practice.

As its title indicates, chapter 2 deals with all of the general requirements of legal practice in the ACT. The simplified outline at clause 14 assists in locating and understanding the nature of this chapter's many provisions. The chapter contains nine main parts, which principally have the following effects.

Only those who are both qualified and licensed may practise law. This protects the public interest in the administration of justice. To promote a national standard for the admission of people to the Australian legal profession, there is now a national mechanism for recognition of qualifications across all states and territories.

All licensed Australian practitioners can practise in the ACT and all qualified lawyers may obtain a practising certificate here, no matter where in Australia they were admitted to the profession. The significance of this cannot be overstated. At last there is a system for mutual recognition of the status of lawyers in all jurisdictions and a methodology for granting them a licence to practise and for regulating practitioners across all jurisdictions. The bill provides for management, within and across jurisdictions, of the enrolment and licensing of lawyers.

There is now a nationally consistent process for the establishment and general management of incorporated legal practices and multidisciplinary partnerships. These are partnerships in which one or more, but not all, of the partners are conducting a legal practice. This part of the bills flows from a number of national competition policy reviews, which recommended relaxing the restrictions on the sharing of profits and allowing incorporated legal practices and multidisciplinary partnerships to compete in the market.

Part 2.7 frees up the availability of the practice of foreign law in the ACT by foreign lawyers. While the ACT can boast of having put similar provisions in place some time ago, this part reflects a national approach to the recognition and regulation of foreign lawyers in Australia.

Finally, in recognition of the service provided to the ACT by community legal centres, complying community legal centres may operate in the territory without contravening the reservation of legal practice to licensed practitioners. This, of course, applies on certain conditions that protect the consumer from the consequences of substandard professional conduct.

Chapter 3 of the bill concerns the actual conduct of legal practice. Part 3.1 mainly applies core provisions for the establishment of trust accounts and the management of trust money and trust property. While the nature of trust accounts does not fundamentally change, there will now be nationally consistent requirements for management and reporting. This is a significant leap forward in consumer protection and professional standards in relation to money and property that is entrusted to lawyers. Because of the significance of the changes to procedural and reporting requirements, the profession does need some lead time in implementing these provisions. Training and procedural preparation is required. The trust accounting provisions will therefore not commence operation until 1 April 2007.

Similarly, part 3.2 introduces uniform provisions for the imposition, recovery and review of legal costs charged by solicitors and barristers. There will now be standard requirements for practitioners to make disclosure of their costs to their clients, the regulation of agreements relating to legal costs and the processes for billing and the method for review of costs if there is a disagreement. Because of the training and procedural development required, this part also will have a delayed operation, commencing on 1 January 2007.

Under part 3.3 jurisdictions were given some freedom in developing their scheme to ensure that practitioners maintain professional indemnity insurance. Other provisions in the bill, however, ensure that all practitioners must have adequate insurance cover at all times. Failure to do so will result in a loss of right to practise and possible penalties, including suspension or cancellation of a practising certificate, or a fine.

Part 3.4 introduces nationally uniform provisions for the establishment and management of the solicitors fidelity fund. This is a fund to compensate people who suffer loss as a result of misdeeds of solicitors in relation to trust accounts. The process for identifying and managing defaults and for making claims against the fund has, through some considerable effort, been standardised.

Part 3.5 sets out the rules of conduct for establishing and managing mortgage practices and managed investment schemes. The part substantially re-enacts the provisions of part 12A of the Legal Practitioners Act 1970. It provides for the regulation of certain mortgage work carried out by solicitors and prevents claims against the fidelity fund from being made in respect of losses arising from certain investments made in connection with mortgage practices and managed investment schemes that are associated with solicitors.

Chapter 4 of this bill provides the scheme for making complaints about, and disciplining, Australian lawyers and foreign lawyers for unsatisfactory professional conduct or professional misconduct. The broad purposes of the chapter are to: provide a nationally consistent scheme for disciplining the legal profession; promote and enforce nationally consistent standards; encourage best practice legal service delivery and make available a means of redressing complaints against lawyers. Chapter 4 also facilitates the mutual recognition of disciplinary action, cooperation between regulators and the mutual exchange of information concerning complaints.

There is new provision for a legal professional body to recommend mediation of complaints provided there is no professional misconduct involved. The professional body may, with the agreement of the complainant and the legal practitioner involved, facilitate the mediation, but the professional body is under no obligation to either recommend or facilitate mediation. Mediators are protected from civil liability.

The bill provides for the law society or the bar association to take summary action against a practitioner or to dismiss complaints that lack merit. More serious complaints must be referred to a newly formed Disciplinary Tribunal, which has broad-ranging disciplinary powers, including the power to make orders for the payment of compensation or the imposition of fines. Under part 4.9 the law society must keep a

register of disciplinary action taken against lawyers in the ACT and in another state or territory if there is an ACT connection to the conduct.

Chapter 5 provides uniform rules for the appointment and conduct of supervisors, managers and receivers of law practices. The objective of this part is to protect the interests of the community, clients and lawyers by setting out a range of options for intervention in the business and professional affairs of lawyers. The provisions are designed to operate consistently with other provisions of this bill and, importantly, in a way that is consistent with similar intervention in other jurisdictions.

Chapter 6 relates to investigations and sets out the requirements for entry and search of premises and the seizure of documents and things in connection with the activities of lawyers in relation to trust accounts or in connection with complaints against practitioners.

The regulatory authorities for the legal profession, the admissions board and the disciplinary tribunal, are established under chapter 7. It is intended that the admissions board will be substantially the same in composition and function as the existing board. The disciplinary tribunal is to be a body that is more independent of the law society and the bar association than has been the professional conduct board. It will comprise a judicial member, a representative of the bar association or the law society, and a lay member. The tribunal may, in some cases, be constituted by a single, judicial member.

Chapter 8 establishes the law society and recognises the establishment of the bar association and sets out the functions of those bodies. It also provides for the making of legal profession rules by those bodies. Rules must be available for public inspection. The remaining chapters take us through miscellaneous, transitional and consequential provisions.

It is absolutely critical that members note the importance of commencing this legislation on 1 July 2006 so that the licensing and insurance of practitioners may continue without interruption. Let me note again that this bill is the culmination of many years' work and cooperation between the governments of each state and territory in Australia, the commonwealth government and the Australian legal profession.

The bill reflects an unprecedented level of cooperation that prevails at this time between state and territory legal professional bodies. Prejudices and differences have been discarded in developing a national scheme for the regulation of this very important entity in the regulation and service of most facets of our community—the Australian legal profession.

A great deal of work has gone into developing the model laws and this bill. The two major interest groups, the bar association and the law society, have devoted enormous energy to reaching positions of agreement on numerous key issues, such as the management of the licensing function and the management of disciplinary actions between solicitors and barristers.

I would like to applaud the efforts of the local profession to this point. Much remains to be done, but I am greatly encouraged by the spirit of common purpose that has been

shown. I have no doubt that, with the assistance of members, the ACT legal profession will be ready to play its part in implementing this significant step forward for the practice of law in Australia.

In summary, this is an extremely long and detailed piece of legislation. That is necessarily so because of the need to ensure the applicability and consistency of all aspects of governance and management of legal professions across all jurisdictions. I do not expect that members will be able to examine the whole of this bill in detail, but I would like to place on the record that officers in my department are at the disposal of any member who wishes to be briefed in detail, noting, of course, the need to see this bill operational by the middle of this year.

I should also note that, because there is a continuing effort to perfect a number of the more complex areas of the model legislation, all jurisdictions have acknowledged that they will need to return to their parliaments with amendments to their respective new acts. In the meantime, it has been agreed that the primary objective of instituting a nationally consistent legal practice should be met without further delay. I commend the bill to the Assembly.

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

Education Amendment Bill 2006

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (10.58): I move:

That this bill be agreed to in principle.

I am pleased to table today my very first piece of legislation, the Education Amendment Bill 2006. Since the Education Act came into force in 2005, we have seen new and more robust guidelines on registering non-government schools, new registrations of students being home educated and the establishment of new statutory bodies to provide the minister for education with advice on government and non-government school education.

However, as occurs with the introduction of new legislation, a number of implementation issues have arisen during the 16 months that the act has been in place. This bill will address a number of technical amendments, as well as addressing some definitional problems that have become apparent.

The intent of the Education Act has always been that the government should provide activities that are essential for students in government-funded schools to meet curriculum outcomes. However, there are some activities, services and facilities that enrich the school experience where schools can expect parents to contribute towards costs. These include overseas excursions. In early 2005 considerable effort was undertaken by

stakeholders in government schooling to come to a policy position on financial contributions by parents to schools. This bill enshrines their hard work in legislation.

The bill will also provide a revised process for the registration of home-educated children. Currently, parents of home-educated students must apply twice during the registration process, once for provisional registration and a second time for full registration. This bill will provide for a single application process.

Another minor amendment the bill encompasses is to facilitate schools in conducting elections for school boards. Members will now be able to be elected later than the current provisions allow for. This will provide schools with greater freedom in conducting elections at the start of the new term.

Other sections of the act, notably concerning provisions for government and non-government school education councils, have been moved to divisions where similar provisions are contained. I commend the bill to members for their consideration.

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

Estimates 2006-2007—Select Committee Establishment

MR SMYTH (Brindabella—Leader of the Opposition) (11.00): I seek leave to move a motion to establish a select committee on estimates 2006-07.

Leave granted.

MR SMYTH: I move:

That:

- (1) a Select Committee on Estimates 2006-2007 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2006-2007 and any revenue estimates proposed by the Government in the 2006-2007 Budget;
- (2) the Committee be composed of:
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;to be notified in writing to the Speaker by 4 p.m. today;
- (3) the Committee report by 15 August 2006;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and

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

The motion is self-explanatory. Each year before the budget we establish the estimates committee. The standard composition is two members from the government, two from the opposition and one from the crossbench. If the motion is successful, nominations will be submitted to you by 4 pm today. I commend the motion to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.01): The government is happy to support this motion, with an amendment. I move:

Subparagraph 2 (a), omit “two Members”, substitute “three Members”.

It is a simple amendment. It deals with the overall composition of the committee in that it should be composed of three members to be nominated by the government, two members to be nominated by the opposition and one member to be nominated by the crossbench.

The timeframes put forward by Mr Smyth in his motion are acceptable to the government. We obviously have a later budget this year than in previous years and the reporting time frame appears to be a sensible one, as do the other terms of reference. But, given the size of the budget and the magnitude of issues that I think all members appreciate the budget will be dealing with this year, the government feels it is appropriate that there be an appropriate level of proportionality in the representation of parties on the committee.

That is consistent with the standing orders in this place. The standing orders in this place generally indicate that the principle for representation on Assembly committees is to be a proportional one. Obviously the Labor Party, as the majority party in this place, does have the largest number of members. Therefore, in accordance with the principles of proportionality, we assert that the committee should be composed of three members from the Labor Party, or government, two from the Liberal Party, the opposition, in accordance with their status as the second largest party in this place, and one from the Greens, in accordance with their status as the third party in this place.

That is the government’s position. The government will support the motion with that amendment.

DR FOSKEY (Molonglo) (11.03): It is disappointing that the government has moved to amend Mr Smyth’s motion. Mr Corbell’s argument is interesting. It is that, because the government has the numbers in the house, so it should have the numbers in the committee. I think, though, that that goes against the basic function of an estimates committee, which is to hold the government’s budget up to scrutiny. The proposal to increase the number of government members is probably also a pre-emption of who will chair the committee.

Mr Seselja: It is a hung committee.

DR FOSKEY: Yes. That concerns me because we already know that there is a lot of community disquiet about this budget. The non-government members of the Assembly have a duty to the communities that we represent to have a strong voice in scrutinising the budget and reporting to the Assembly and, through the Assembly, to the community. Even though my opposition is, for reason of numbers, merely rhetorical, it is a strongly thought out opposition. No matter what the composition, I will play as strong a role on the committee as is possible.

For more than two days we have seen the government prevaricating—I believe that is the proper word—over passing on to the community, through us, the contents of the Costello report. That causes me concern about the level of the transparency that we are going to see in future discussions about the budget. I do not really see how having a committee of six is going to help. It was difficult enough last year for the five members to get through all their questioning. Asking the questions is one thing; getting the answers is quite another. It concerns me that there will be one more person to ask what really amount to dorothy dixers, tying up valuable time that could be spent really putting the budget under scrutiny.

I will oppose the amendment. I certainly would have supported Mr Smyth's original motion.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (11.06): I will be supporting the amendment. Dr Foskey's point about it being essentially a numbers game here belies the role that all members should be able to play in the estimates process.

Government members have a legitimate role in the estimates process as well. Mr Corbell's amendment does not detract from representation by the Liberal Party and the Greens. In fact, the addition of another member enhances the committee. There is a lot of work done in the estimates process and I think it is important that as many members as possible participate. All non-executive members have a role in keeping the executive accountable. That is an important function that they should play in this debate.

If the Liberals and the Greens believe that the only way they can keep the government accountable is by combining in some sort of numbers game on that committee, that belies the real process of that committee, which is around detailed questioning over a period of weeks. Getting particular resolutions or recommendations up should not be a numbers game. Come along, ask the questions and participate. Government members want to do that, and I think it should be encouraged.

MR STEFANIAK (Ginninderra) (11.07): This is a pathetic amendment. I listened to Mr Barr's comments. If he wanted to take that argument to its logical conclusion, every single non-executive member should be on the estimates committee. I think that maybe—

Mr Barr: Well, they all turn up, Bill.

Dr Foskey: They will be.

MR STEFANIAK: They are not on the committee, though.

Mr Barr: They all turn up and ask questions.

MR STEFANIAK: They all turn up and ask questions, but they are not on the committee. We might have had one occasion here—it might have been the first Assembly—where everyone who was not a minister was on the committee. I can vaguely recall that happening once. But unless you want to do that, Mr Barr, the tradition in this place has been to have a more limited number of members on the committee and—

Mr Barr: That represents the balance of the Assembly.

MR STEFANIAK: In that case maybe there should be four non-government members on it instead of two. I assume you are still keeping the crossbench. That is not representative of the non-executive of the Assembly. It is a blatant stack in favour of the government. I know we have a majority government, but in the past, even with minority governments, estimates committees have worked quite well with the government not having a majority on the committee. That has been the tradition of this place.

As a former minister who has gone through about seven estimates committee processes, it was not something that particularly fazed me. But I must say that now that you are a majority government you are trying to ensure that you have an absolute majority to control even something as simple as an estimates committee. Just what have you got to hide?

I do not think it is good government. It is indicative of a government that is perhaps running scared, that looks as if it might have something to hide. Why on earth are you not prepared to do what you did last year? Last year there were two government members, two opposition members and a crossbench member. Surely the committee report was not so bad as to scare you into trying to make sure that you could control and make an absolute sham of the estimates committee. For the government to put all its backbench on the committee and have it as a rubber stamp I think is quite shameful.

If you want to be consistent, put every single non-executive member on it or, if you want to have a semblance of fairness in this process, put maybe a couple more opposition members on it. What has this government got to hide? It is another indication, over this term at least, of a very closed government, probably the most closed since self-government came to the ACT. If anyone out there were remotely interested, they would ask the question: why do they want to have a rubber-stamp estimates committee? What have they got to hide? This is a government that appeals against its own coroner; that departs substantially from its own principles—

Mr Corbell: I raise a point of order, Mr Speaker.

MR STEFANIAK: Under what standing order?

Mr Corbell: Relevance, Mr Speaker. Issues to do with the bushfire coronial inquest are in no way related to this motion. I think Mr Stefaniak is drawing a long bow.

MR STEFANIAK: On the point of order: I am not raising issues relating to the bushfire inquiry, Mr Speaker. I merely point out that the government seems to be scared of accountability. I leave it at that. It is a one-line point.

Mr Corbell, I will go on. There have been a number of instances now where the government seems to be closing up and putting a blanket over what it is doing, contrary to its approach in 2001 and 2002. This is another example. By using it as a rubber stamp, the government is making a joke of the estimates committee.

Why do you not have the guts to let it run? You did it last year. It has been done in the past. Previous governments have done it. See what comes out of the process. Surely it is not going to be so horrendous as to cause you that much grief. Have an open and proper process. It is going to come out anyway. If you have a truncated rubber-stamped report, it just makes a joke of the process.

The evidence will still come out in the estimates committee, one would hope, unless you are going to try to railroad it so much that no proper evidence comes out there. That would be an absolute travesty. In a place like this it will come out in the wash one way or another. To have a rubber-stamp estimates committee just makes a mockery of the system. You need to wake up to yourselves.

MR SMYTH (Brindabella—Leader of the Opposition) (11.12): I rise to speak to the amendment, not to close the debate, Mr Speaker. Minister Corbell is a joke if he thinks that this government is honest and accountable. This is from the minister who is afraid to face the committee because of what he will have to answer. You, sir, are a joke, as is the Stanhope government. This is the most appalling travesty of process the ACT has ever seen. This government is a joke of a government.

Mr Corbell says that the government has more members and therefore should have more seats on the committee. Let's look at who is available. None of the ministers can sit on this committee, unless Minister Corbell thinks that ministers should be scrutinising their own budgets. It is Mr Corbell's sense of accountability, fairness and being open to the public that the government should, by rights, be able to put the five ministers and the Speaker, who also has an appropriation, onto the committee. That is his justification. If they want it, that is how they will take it. That is why they should get three seats.

The reality is that only three members of the government and the one from the crossbench can reasonably sit on this committee. In theory, the seven members of the opposition could sit on this committee and we could have a ratio of three government members to seven opposition members and one crossbench member. The minister thinks that that means that he can have three, the opposition can have two and the crossbench can have one.

The day of the 2004 election there was under big headlines a statement from the Chief Minister that there was nothing to fear from majority government. Perhaps the Chief Minister, the minister for human rights, the minister for equity and equality, will come down and tell us that this is fair. Jon Stanhope, come down and tell us that this is fair and justify it. I would like to hear the Chief Minister justify what his government is doing.

Seven Liberal members, three Labor members and one crossbencher are actually able to sit on this committee and, based on that, you would properly have three or four Liberal members, one or two government members and one crossbench member if you wanted to get the ratio proportional. Not only can Mr Corbell not do the maths, but also what he is doing and what the government is doing here is setting up a lame duck committee.

This is actually a committee that might not get past its first meeting because, if this amendment gets up, six members will meet to elect a chair and, if there are three members in favour of one chair and there are three members in favour of another chair, there will be no chair because the vote will be negated. It will be a draw. It will be a hung committee from day one. That is what Simon Corbell and Jon Stanhope want. They want a hung committee or they want a committee that only they can control.

They are afraid. They want a hung committee right from the start. They want a committee that will only print as a report what the government wants in it. They are ensuring that there will be dissenting reports. They may be ensuring that there will not be a committee report at all because things may get to the situation where the chair, if a chair is elected, presents a report that half of the committee might not agree to at all and the vote will be that the committee not table a report. That is what this government is after. It is after the total stifling of debate about the disastrous budget that it is about to bring down.

We need to assert this Assembly's independence. It is an Assembly committee, not a committee of the government. We want primacy of the Assembly over the executive. They do not want that. This is rule by the executive. This is going back to Prince John, who we know took over command in England in the 12th or 13th century.

Mr Stefaniak: Before Magna Carta.

MR SMYTH: Before Magna Carta. That is where we are going back to. This amendment is asserting the primacy of the executive, not the parliament. I do hope that the Chief Minister will join in this debate and explain how that is compatible with everything in which he believes. This amendment suffers from an immense lack of credibility and shows an immense amount of fear in the government that they will be scrutinised properly by the committee. The Labor Party is always talking about the principles of fairness and equity. What is fair about this amendment? What is fair about it for the people of the ACT that the Labor Party want to stifle an inquiry that looks at their budget? What are they afraid of? All this amendment does is guarantee that we will have a joke of an estimates committee.

Mr Speaker, you and Mr Stefaniak have been here the longest and both of you have worked very hard to establish the credibility of this Assembly. This amendment will see this Assembly being ridiculed round the country over the leadership of Jon Stanhope and his Labor government and their lack of openness and accountability. It will see people looking at us, scratching their heads and saying; "Why do we bother to pay them when they are afraid to be open to scrutiny by the Assembly?"

I think that this is a terrible move. Yet again it confirms the need for the release of the Costello report. Clearly, what is in the Costello report is to be feared and what is in their

budget is obviously of such immense importance to the people of the ACT and will be such a bad budget that they are afraid to face the scrutiny of an independent committee. This amendment nobbles the independence of the committee. It is being nobbled. If you took this proposal to racing stewards, they would undertake doping tests.

This committee will not be able to work. It will be divided down the middle, three-all. If that is Mr Corbell's intent, he should just stand up and say so. There is no logic in having an equal number of members on a committee. All it will do is lead inevitably to three-all decisions in the main. If, at the end, a report is ultimately produced, I suspect that at least two, probably three, of the members will not agree with the content of that report. That will mean that the report will not be available for tabling and we will have wasted all that time and all that effort. There will not be proper scrutiny.

What are you afraid of that you need to control it in such a way? What will you not answer when you appear before the estimates committee that you have to take so much control? The whole tradition of the committee system in this place has been to work together and try to produce reports that the majority can agree to. What are you afraid of with this report?

Mr Corbell: Proportional representation on committees, standing order 221.

MR SPEAKER: Order, Mr Corbell!

Mr Corbell: Mr Smyth should address his comments through the chair, Mr Speaker.

MR SMYTH: Mr Speaker, you cannot answer for them because I am sure that you do not know what they are afraid of. You are always open and honest when you appear before the committee, Mr Speaker. The problem here is that what we are seeing now is the true consequence of the arrogance of Jon Stanhope and his government. There you were in the paper on election day saying that there was nothing to fear from self-government—

Mr Corbell: We have had self-government since 1990.

MR SMYTH: Sorry, the election last year, and here you are slowly, inexorably shutting down accountability in all its shapes and forms. You are guaranteeing that this Assembly will be ridiculed over the processes that you are setting up and that any report delivered by this body also will be ridiculed, but it may not be able to achieve anything as there is always the possibility that there will be just a series of three-all draws and any three-all votes would be negated by the rules of this place.

Mr Barr: It could be four-two or it could be five-one, depending on how the factions split, could it not?

MR SMYTH: It could be four-two and it could be five-one, but why do you need to go that way, Mr Barr? What are you afraid of, Mr Barr? As to your flimsy defence of the need for this process, who is available to go onto this committee? Eleven members are available: three Labor, seven Liberal and one from the Greens. If you were honest and fair dinkum, that would be the ratio that you would apply, but no. The statement about not being afraid of your having a majority because you are going to be fair and you are

going to be good guys has gone out the window yet again. You will bring this Assembly into disrepute, you will bring the whole committee process into disrepute and you will bring the whole estimates process into disrepute if you go ahead with this foolish amendment.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.21): I think we are hearing the bleatings of a stuck pig, Mr Speaker.

Mr Pratt: Gee, that is an intellectual contribution!

Mr Stefaniak: It is original.

MR HARGREAVES: And now we are hearing the grumblings of the erstwhile deputy leader of the Liberal Party, the person who would be king but has not got a hope in Hades.

Mr Pratt: I have just been promoted.

MR HARGREAVES: We are beginning to hear grumblings coming out of Mr Superplotter over there, too. Mr Speaker, we are talking about the constitution of a committee so that it works.

Mrs Dunne: For you.

MR HARGREAVES: Here we go, Mr Speaker; they cannot contain themselves. They need some portaloos over there, I suspect. Mr Speaker, the reason that the government needs to have three people on this committee is exactly the same as the reason that the people of the ACT would like to see that. It is that we cannot trust the Liberal Party. Let us call a spade a spade. We do not trust you. We do not trust you because you would subvert the thing. You would run the whole thing as a piece of political machinery, to your own ends. You have done that since I came into this place in 1998. Some of the stuff that has come out of the Liberal Party in estimates committee reports has been absolute rot and has perverted the whole system.

Dr Foskey ought to give serious consideration to proportionality in relation to the committee system. Mr Smyth says that the proportionality ought to apply to those members available. That has not been the case in this place since the year dot. Any talk about the standing orders and proportionality should relate to the total number of members. There are 17 of us and Dr Foskey is entitled to one-seventeenth. She is lucky to be on a committee at all, because it is a proportional thing. In fact, when it comes to a five-member committee, the proportionality ought to be three government and two opposition members. That is the reality of the day but, because of the inclusive nature of this Assembly, she has come onto the committee.

What are we afraid of? A three-all draw does not give this government a majority, but it does ensure that the absolute fabrication that these characters come up with will be avoided.

Mr Pratt: We stand alone.

MR HARGREAVES: You certainly stand alone, Mr Pratt, because nobody likes you and you have not got a friend in hell. You are on your own, son. Mr Speaker, such words of wisdoms out of this man! He stands alone, but is it any wonder as he makes such a goose of himself with incredible regularity.

Mr Pratt: Do not mislead.

MR HARGREAVES: Mr Speaker, he is upset now. He is terribly upset now. That is a shame, isn't it? Oh, dear me, dear me! As to the constitution of this committee, my recommendation to the Manager of Government Business was that it contain three members from the government and two members from the opposition and, on a three-two majority, the government obviously would assume the chair. The Manager of Government Business said that we need to be more inclusive in this place, that we need to make sure that nobody has a majority over a parliamentary process. We could take a leaf out of the Howard government's method of appointing chairs to committees, could we not? Is it an inclusive one that acknowledges the primacy of parliament over the executive? I do not think so.

Mr Barr: They have gone silent now.

MR HARGREAVES: Not only have they gone silent but also Mr Smyth has gone. I think he has gone out to search for a friend. If he has gone out to look for a friend, I think he has as much hope of finding one as Mr Pratt.

Mr Barr: Where is Mr Mulcahy?

MR HARGREAVES: Superswanner, the man who has gone round the world searching for a friend, will not find one either.

Mr Pratt: I take a point of order. Could I quote the standing order which pertains to the point of relevance? Can we get back to the debate, please, instead of having all this rubbish that Mr Hargreaves is carrying on with about going round the world?

MR HARGREAVES: Mr Speaker, I wish to speak to the point of order. Mr Pratt's question to you was: can I quote the standing order? The answer to that is no, he cannot. He could ask Mrs Dunne. She is the best opposition whip we have seen from your side for a long time. In fact, she ought to dish out lessons to Mrs Burke and Mr Pratt.

THE SPEAKER: Order! It is standing order 58 and you should not digress from the subject matter.

MR HARGREAVES: Thank you very much, Mr Speaker. It goes to the relevance of the operation of the committee. If these blokes do not even know the standing orders of this place, how are they going to manage a country barbecue, let alone perform in an estimates committee, the most important select committee of this place? What will happen? Do you know what we are afraid of? I will tell you what we are afraid of. We are afraid of someone like Mr Mulcahy popping up as the chair of the estimates committee.

Can you imagine anything more disastrous than that? The first thing he would do would be to bully like blazes all of the committee staff. He reduces them to tears, such that some of them have come to my office in tears asking for my advice, to which I have replied, "I cannot do anything. You will have to go and see the secretariat." Mr Mulcahy, the round the world traveller, is not fit to be the chair.

Mr Stefaniak: I take a point of order, Mr Speaker. We are not talking about who is going to be on the committee; we are talking about this amendment. Could you please get him to stick to the point?

MR SPEAKER: Order! I think it is appropriate to discuss the membership of a committee, Mr Stefaniak, but I would ask members to cease their interjections so that we can get through this debate.

MR HARGREAVES: Thank you for your help, Mr Speaker. I appreciate it very much.

MR SPEAKER: I would ask you not to have conversations across the floor. Direct your comments through me.

MR HARGREAVES: I promise not to have conversations with those people, otherwise it will look like they have a friend, Mr Speaker. The fact is that we need to make sure that there is balance on that committee because we do not trust them. We do not trust them not to put in the type of person like Mr Mulcahy. He has actually brought the PAC into total disrepute in this town and we cannot allow that to happen with the estimates committee.

It is important that the estimates committee be conducted with propriety and in a way that gives all members an opportunity to do their thing in relation to the committee, whether they be the ministers appearing before it or other members appearing at its meetings. It is not appropriate that the Assembly just hand it to the opposition as a vehicle to flog the government. That is not a parliamentary process, Mr Speaker. That is blatant politicking on their part. This is a parliament. We need to understand that committees of this parliament have primacy over the executive and they must be handled with propriety and contain representation proportional to the representation in this place.

We will not take a leaf out of the John Howard method of dispensing grace and favour to the chairs. We will not steamroll things through. We will not have the type of activity that Gary Nairn had over the bushfires when he blatantly politicised the select committee's process. That will not happen. It would have been so easy for the Manager of Government Business to put forward a motion which contained a three-two split and use our numbers and the game would have been over, guys, but he did not do that.

I do not know what the people opposite are squealing about. You do not have a majority on the committee and you are never going to have a majority on the committee, but you are not prepared to work with what you have. Let's see whom you nominate. I have a terrible suspicion that Mrs Dunne will not be on it. Mr Stefaniak will not be on it, because that would give him a leg up in the leadership stakes. Mr Smyth will not be on it because he—

Mr Barr: He needs to be on it.

MR HARGREAVES: He needs to be on it and he should be on it, but he probably will not be on it. I hope that Mr Pratt will be on it because that would mean that there would not be too much opposition there. We are left with Mrs Burke.

Mrs Burke: You forgot Mr Mulcahy.

MR HARGREAVES: I do not know where Mr Mulcahy is. He is out looking for a friend. I would like to see Mrs Burke go there for more than 15 minutes in the whole process. It would be really wonderful if she were a member of it. Mr Speaker, I urge the Assembly the support Mr Corbell because he is actually talking commonsense and the people opposite are not.

MRS DUNNE (Ginninderra) (11.30): Mr Speaker, what we have here today with the amendment by Mr Corbell to which I am speaking is a continuation of the “since we have become a majority Stanhope government, we can do what we like with the committee system” saga. Mr Speaker, cast your mind back to what happened last year when I was put in a position where I had to write to you about a matter of privilege, which you disagreed with me about. We actually got to the situation where there was such conniving about the chairmanship of the committee that members of this place raised seriously with you a matter of privilege.

What happened last time was that, departing from all precedent, the government decided that it needed to chair a committee of this Assembly. I am not talking about a committee of the commonwealth parliament or any other parliament; it was a committee of this Assembly. Until last year, it had never been the case in this Assembly that a government member had chaired an estimates committee. The government decided that it needed to chair the committee because it was worried about the sort of scrutiny that it would receive for its budget. What happened was that, even though there were two government members on the committee and the government had the chairmanship, the government still could not control things. Its members could not organise a chook raffle in a pub on a Friday night.

Ms MacDonald: Weren't you in Spain at the time? How would you know?

MS DUNNE: No, I was not in Spain at the time. I withdraw that, Mr Speaker; I was in Spain at the time. I am also honest when I make a mistake, Ms MacDonald. The clear outcome of last year's estimates committee process was that the government, even though it had the chairmanship, was in turmoil. In fact, the dissenting comments made by opposition members were so significant that they almost outweighed the comments made by the committee itself.

Mr Seselja: That was good work. They were hardworking dissenters.

MRS DUNNE: Mr Seselja and Mr Mulcahy were hardworking members of the estimates committee. What the government is going to do this year is to ensure that the estimates committee is closed down. Mr Smyth touched on some of the problems that arose. He said that it would be difficult if there were a matter of contention. I have sat on

estimates committees for three years in a row and there are times when there are issues of contention. I have sat on an estimates committee with Mr Hargreaves and Ms MacDonald. Mr Hargreaves was a good member of the estimates committee. He is also tough and there are times when things get tough and there is the closest thing that you can get in a committee to hand-to-hand fighting. Sometimes you can resolve it and sometimes you cannot.

What is going to happen this time is that the government is going to use its numbers, I presume, to close down discussion. It has been attempted in the past. When things get tough and ministers are going to be under scrutiny, they will be moving on. There will not be occasions for people to prosecute and have Mr Corbell leaving the room. He is the one who really dislikes being asked difficult questions and will always find ways to stop officials from answering questions if they get too difficult for him.

What will happen is that there will be a closing down of the process. I will lay you bets now, Mr Speaker, that there will be fewer hours of inquiry in the course of this estimates committee than we have seen in the past. There will be fewer hours of meeting because they will close things down. I will lay you odds now, Mr Speaker, that there will be fewer hours. There will be fewer opportunities for non-members of the committee to ask questions. We have seen the way that this happens at the moment when we have annual reports hearings. The behaviour of Mr Gentleman in particular when non-members of the committee wish to ask questions at annual reports hearings is a disgrace.

Ms MacDonald: Why, because you have to take a turn?

MRS DUNNE: Because you do not get a turn. You do not get a turn when Mr Gentleman is the chair of the committee because that is the way that this government behaves. This is about closing down scrutiny. It is interesting to see how touchy they are about Mr Mulcahy's chairmanship of the public accounts committee. The only people who do not like what goes on at meetings of the public accounts committee are members of the Stanhope government. What is the public accounts committee doing? It is inquiring into failings in the planning system and it is inquiring into failings in the waiting list system. It is raising difficult questions for people such as Mr Corbell and they really do not like difficult questions.

He shunted off the waiting list issue to somebody else with a hospital pass, but there are still important issues. They are about to look at things such as an audit of the public housing system. I am sure that members across both sides of this place will be interested in seeing ways and means of improving our performance in the public housing system, but the government does not like the truth being brought out. What we are seeing with this travesty of a motion is an obliteration of the tradition—a short tradition, 15 years or so—of this place that the estimates committee process is open and it is clear. The government has just made it partisan for the first time. For the first time it has become partisan because we have a majority government that is saying that it will flex its muscles.

As we have seen over the past two days, Jon Stanhope has proved himself to be a complete hypocrite over openness and accountability in government. Let's go back to what he said on 14 March 2001. One of the things he said was, "We will not make a

travesty of the committee process.” What are we seeing in here today? The Stanhope Labor government is making a travesty of the estimates process.

MR SPEAKER: Mrs Dunne, withdraw “hypocrite”.

MRS DUNNE: I withdraw “hypocrite”.

MS MacDONALD (Brindabella) (11.38): Mrs Dunne spoke about the fact that she had sat on an estimates committee with me and Mr Hargreaves and then went on to compliment Mr Hargreaves on being a good member of an estimates committee. I can only assume from that that she thinks that I was not any good. I found it interesting that Mrs Dunne made all those comments about last year’s estimates committee process as she was not even here then; she was in Spain. I note that she has walked out the door now because she cannot bear to listen to me say what actually went on.

It is true that I was chair of the estimates committee last year and there were quite a few comments made in the lead-up to the establishment of the committee in the first place. Mrs Dunne is on record in terms of what she said about the establishment back then. I believe that Mrs Dunne actually flung a few criticisms about concerning Dr Foskey making dodgy deals with the government in terms of what was going on with the establishment of the committee and the appointment of the chair, et cetera. I am not going to go through the entire debate of last year, but I would make the point that I took the role very seriously last year and Mr Mulcahy and Mr Seselja did not make the process easy for me or for the committee secretariat.

Mr Pratt: Ha, ha! They were struggling with you.

MS MacDONALD: Mr Pratt scoffs. Mr Pratt had a huge dummy spit during the estimates committee process because I would not allow him to ask a question at five minutes past six o’clock. I gave precedence to members of the committee, as I had outlined at the very beginning of the process. I sent letters to all members of the Assembly stating that I would be putting into practice the fact that members of the committee would get precedence. I note that Mr Pratt and Mr Stefaniak both had little dummy spits and both stormed out on a couple of occasions because they did not get precedence.

There were lots of accusations last year that I had stifled debate whenever anything got hard. I had my office go through the statistics and, when it came down to the statistics, it was the opposition that had the lion’s share of the questions and the answers that went with those questions. My office will be, I think, bringing down the statistics, but the questions from the opposition included questions from Mr Smyth, Mr Seselja, Mr Mulcahy, Mr Pratt, Mr Stefaniak and even Mrs Burke. Mrs Dunne, of course, was having her little holiday in Spain, which she was entitled to do. I do not deny that she was entitled to go on leave to Spain, but she cannot stand up in this place and say exactly what happened in the committee process last year when she was not here.

Mr Speaker, I have asked the opposition whip and I have asked the Leader of the Opposition on a couple of occasions previously and I asked earlier today who was going to be on the committee, because it is a matter of interest and a matter of concern for this government. The behaviour of the opposition’s committee members last year was

disgraceful. The behaviour of Mr Mulcahy and Mr Seselja was deplorable, to the point where I had to ask the committee secretaries to leave the room because of it.

I will finish up in a second because I know that time is getting away from me and the Manager of Government Business will have to extend the debate by half an hour. Throughout the process last year it was my intention to make sure that the budget was scrutinised, and the budget certainly was scrutinised last year. The budget was scrutinised last year and there can be no denying that. At the end of the day, the opposition had plenty of time.

Throughout the process I asked both Mr Seselja and Mr Mulcahy whether they were planning on putting in a dissenting report and what their process would be. The opposition scoffed at me for asking that, but my purposes in doing so was to make the lives of the committee secretaries that little bit easier. I believe that Ms Porter will back me up when I say that until 7 o'clock the night before we had Mr Mulcahy arguing every line in the estimates committee report three times.

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

MS MacDONALD: I was saying that I was trying to ensure that the burden on the committee secretaries was not so great, but Mr Mulcahy and Mr Seselja argued over every line—not just over major points, Mr Speaker, but over every line—the night before the report came down, until such time as Mr Mulcahy decided that he had to go to his son's birthday party, I think it was. Their intention was to make sure that no report was presented in this place. They did not get their way. Finally, Mr Mulcahy saw that he was not going to win on that one and we got it through. As Mr Mulcahy and Mr Seselja left, I said, "Are you guys going to put in a dissenting report on the major points that you feel that you want to make?" They said, "We have not decided yet." The next morning we got a report which was over 50 pages in length. It arrived in the secretariat's office at 7.30 in the morning.

Mr Speaker, the figures have come down. According to a breakdown of the transcript for last year, Labor had 20.77 per cent of the time in terms of the amount of time that questions were asked. The Liberals had 57.26 per cent of the time and the Greens had 21 per cent of the time. Mr Speaker, that is the amount of time that they had and that shows the amount of stifling they did. Over 57 per cent of the *Hansard* was actually dedicated to the opposition's questions, but they say that they were done over, they did not get a fair shake of the leg, they did not get a fair hearing, it was not easy for them and this government obviously was not interested in accountability. That is just garbage.

MRS BURKE (Molonglo) (11.48): Mr Speaker, I rise as opposition whip and Manager of Opposition Business to speak to the amendment. I would like to go back a few steps in relation to this amendment. Firstly, it is a very hurried—handwritten—amendment that has come through from the Manager of Government Business. I wish to tackle the Manager of Government Business as a serious issue has arisen here.

Mr Corbell: Please don't.

MRS BURKE: He can scoff and laugh all he wants, but I want my statement to go on the public record. We have a Manager of Government Business who is simply not up to the job. He is simply not up to the job of doing procedural things correctly and in good time and good order. Not doing those sorts of things in that way brings this place into disrepute, although we can all make mistakes from time to time.

Mr Corbell asserts that he flagged this amendment at the government business meeting this week. In fact, I have checked on that with several other people who were present at that meeting and I confronted Mr Corbell on it this morning. I have to say that I got a mouthful. I apologise for anything I said to him that was offensive and I hope that he will do the same for me publicly. We do not need to go into the debate but it was annoying, to say the least. I was making the point to the Manager of Government Business that he did not make it clear yesterday that he would be moving any such amendment. I will go into that now.

From checking with other members present at that meeting, Mr Corbell did not make it clear, firstly, which select committee he was talking about. I point out to members that the notice paper today alludes to two select committees, one being the select committee on estimates and the other being the motion for the resumption of a debate concerning the select committee on working families.

Mr Corbell, one person present at that meeting wrote down that the government flagged possible amendments to this motion today, but did not confirm that. The person concerned did not write it down; they just said that there were possibly some amendments to be made concerning a select committee, not which select committee. I heard, and I believe I heard right—I do not know whether it was a slip of the tongue by Mr Corbell and he just said the wrong words; we all make mistakes, as I say—him say “working families” but he may have meant this select committee. That is what I picked up. A third member present at the committee meeting said that he did not recall Mr Corbell saying anything about any amendments.

It is of some concern to me also to note that the crossbench member was only advised of the amendment prior to its being very hurriedly dropped this morning. What sort of place are we running here? It is all well and good to be pious and to sit there so arrogantly and say, “I am the Manager of Government Business. You can all just go away. Go away.” So much for being open, transparent and accountable!

Mr Corbell: Do you want an explanatory statement for that? I am happy to give you one.

MRS BURKE: It is a shame that government members are getting so upset. Obviously, we have touched a nerve. Mr Hargreaves said words to the effect that the Stanhope government would not steamroll things through this place. What a joke! This amendment flies in the face of that. No courtesy is extended. Obviously the government is having no more than a dummy spat about what happened last year. Good gracious!

Mr Corbell: The word is “spit”.

MRS BURKE: Whatever, Mr Corbell. Do not try to cover up your embarrassing gaffe this morning by slinging personal attacks across the chamber. You need to get your house in order. You need to be on the job and doing things properly because this is a serious issue for the ACT, a very serious issue. I think that the government is running scared by having to have total control over the proceedings of the estimates committee. It just shows that they are so scared of what we might find out. I think it flags something else, Mr Speaker. It says to me that it is sending a message to public servants that may be appearing before the committee, "Do not worry as we are not going to let you speak anyway. We will do all the talking." Mr Speaker, the amendment circulated is an absolute disgrace. We cannot support it. I support Mr Smyth's motion and it should stand.

MR PRATT (Brindabella) (11.53): Mr Speaker, I rise to talk to both the amendment and the motion. I have a number of points to make. I think that the amendment is a pathetic attempt by the government to tear out of this place what has been traditionally one of the few proper exercises in accountability in the calendar for Assembly sittings. I think that the amendment reflects Mr Corbell's traditional attitude and default position of being evasive. It is so typical of this government that, rather than having a balanced debate in this place and a real inquiry into the budgetary matters affecting this community, they collapse the scrum. We have had a history of that from this government. We know that the government have collapsed all debate and inquiry into the bushfire disaster.

Ms MacDonald: I take a point of order, Mr Speaker. The issues that Mr Pratt is raising about the bushfire inquiry have nothing to do with the establishment of a select committee on estimates last year or the establishment of one this year.

MR SPEAKER: I have already ruled on that. Mr Pratt has to remain relevant to the debate, but it is possible in a discussion about an estimates committee to raise almost anything with which the estimates committee might concern itself. Tedious repetition might be something that I could focus on if it happens too often.

MR PRATT: Mr Speaker, on the attempted point of order: the relevance here is that—

MR SPEAKER: Never mind; it has been ruled on. Just get on with it.

MR PRATT: You are quite right, but perhaps I can speak about it in the body of my presentation. The relevance here is that the matter of transparency and openness, which is what the estimates committee hearings must be all about, is reflected by the government's default position, as demonstrated by its pathetic failure to inquire meaningfully and deeply into the bushfire disaster. I think that I am entitled to respond to the comments by Mr Hargreaves when he slagged off Mr Gary Nairn, whom he said had, through the national bushfire inquiry, overridden all sensibilities. We need to understand that Gary Nairn was doing what this government had not done: he was seeking to have a transparent inquiry into the greatest disaster to hit this community. That is why we are concerned that this government will not allow this Assembly to put in place a proper and transparent estimates hearing process.

Mr Barr was concerned about a couple of issues. I will get back to the mug issue shortly, but I absolutely recall that in the debacle of last year's estimates committee hearings

Ms MacDonald, as chair, really choked things off. She was fixated here this morning with poor old Mr Mulcahy and poor old Mr Seselja. Of course those members of the committee responded in that way, having been totally choked off by a very poorly chaired committee. Mr Barr partly got it right. On the occasion that I “spat the dummy”, I left my mug behind; he is quite right. In reality, I think I left two mugs behind. I include the chair, who, in mug terms, just failed to supervise—

MR SPEAKER: Order! Withdraw that. That is a personal reflection.

Mr Barr: Mr Mulcahy was left standing there holding your coffee cup.

MR SPEAKER: Order, Mr Barr! How can I rule on these things if there are constant conversations going on? Mr Pratt, that is a personal reflection that I will not allow.

Ms MacDonald: Mr Speaker—

MR SPEAKER: Withdraw it, please.

MR PRATT: Ms MacDonald, please let me please withdraw it.

Ms MacDonald: I just want to point out—

MR SPEAKER: Ms MacDonald, sit down, please.

MR PRATT: Would you please let me withdraw. Ms MacDonald, I do withdraw “mug” and insert “Ms MacDonald”. Turning to the points that I want to make, Mr Barr, in his contribution to the debate, said that perhaps Mr Smyth was concerned about balance with the committee only because he would not have confidence in the members that we were eventually able to get on to the committee. That is not the point at all. Even if there were three supermen on the committee from this side, what would be the use of that if you had, in fact, outnumbered those members of the committee? What would be the use of that? As we saw last year, the 20.2 per cent of questions which were asked by Labor were outrageous dorothy dixers. How the hell are you going to have in this place a proper inquiry into good governance in the ACT if the majority of the questions are taken up by dorothy dixers?

That is the fear and that is the concern of the opposition. I am sure that the community also will be concerned about having a committee which is not of a two-two-one breakdown, as it was last year, but of a three-two-one breakdown. That will be the concern that the community will have. The community will think that this regular committee of inquiry into the estimates has become a farce.

What is a committee of inquiry? A committee of inquiry is set up so that the members of the Assembly who represent the community of the ACT have a fair opportunity to inquire into governance and how that governance is being measured. We are not going to have that with this attempt by the government to dominate this committee. Mr Smyth is quite right: the dissenting report is probably going to be two or three times the size of the committee’s final report because the committee’s final report is going to be a farce. It will be a farce.

Mr Speaker, I conclude simply by saying that this is an outrageous, pathetic attempt by this government to stack this inquiry and to make this inquiry into an activity which will bear little relevance to the role of this Assembly. It took poor old Mr Hargreaves five minutes to say something intelligent in his massive contribution to today's debate. All we got from Mr Hargreaves—unfortunately, he is not here at present—was the classic Hargreaves slanging match whereby he picks on persons in this chamber one by one and simply plays the man and not the ball.

If that is the level of the government's concern and if that is the level of Mr Hargreaves's contribution to this question, the government certainly is not fair dinkum about debating why the format of this inquiry should be changed. Mr Speaker, I have to say that, if Mr Corbell had had a bit more real life experience, perhaps he would have understood the true importance of this inquiry in examining functionality and good governance. He does not because he does not care. He is simply a young man who has grown up in the hothouse of politics and for him it is simply a numbers game. Mr Corbell does not particularly care about making sure that this community holds this government accountable and examines its public servants, its officials, in terms of transparency. That is a great shame, Mr Corbell. You should be ashamed of the amendment that you have put up here today.

MR SESELJA (Molonglo) (12.02): I had not planned to speak but, as I have mentioned before, Karin MacDonald has a way of always bringing me to my feet to respond. If I could say generally first that it is part of a pattern and it has been well outlined by my colleagues. On the day of the 2004 election, what did Mr Stanhope say in the *Canberra Times*? He said, "Do not fear majority government. There is nothing to fear. We are going to do things just as they were. We are going to be fair, impartial, open and accountable." This is another example of how that has not happened. Mr Pratt has put the argument well, as have Mr Smyth, Mrs Dunne, Mrs Burke and Mr Stefaniak, as to the pattern of this government of shutting down scrutiny. We saw that most notably with the appalling attempt to shut down the coronial inquiry, the appalling, disgraceful decision to pursue court action just so that the government would not have to answer the uncomfortable questions.

That is what this is about. We saw it last year. Ms MacDonald, as I said, gets me to my feet. Ms MacDonald had such a terrible time as chair last year because she just did not like the fact that Mr Mulcahy and I actually wanted to ask some questions of the government. She was very happy when the government backbenchers asked the 22 per cent of questions, or whatever it was, that they asked but it does not take very long and you do not need to ask many when you say, "Minister, could you please elaborate on that for us?" or "Minister, tell us about your wonderful policies." It was just a joke.

I bet if you were to go and look at the time for some of these questions you would get a different answer. We actually had some questions to ask. We actually wanted to scrutinise the budget and we did not see any evidence of that from the government members. What we had with Karin MacDonald was a situation whereby every time there were some hard questions asked you might get one or two in but, if there was a third and you were actually getting somewhere, she would shut it down. That was our problem with the chair. The chair was there to protect to government. The chair was not there to

facilitate scrutiny of the budget. She was there to protect ministers. She had her marching orders, as did all the other government backbenchers, and we saw that played out.

One thing we had from Ms MacDonald in her speech today which was quite humorous is that she is still going on about the fact that we would not tell her that we were going to do a dissenting report. The fact is that we did not know whether we would have to do a dissenting report. We did not know what was going to be in the report. How was I to know what the committee was going to decide? I did not know until it was finalised.

I could have told you at the beginning that I would be doing a dissenting report and we could have all gone away and not had the committee hearings. It would have been just as productive. The fact is that we looked at scrutinising the budget. We were the ones who were doing that. We asked hard questions. You said that we argued line by line. We should have just allowed you to write something and we could have added a couple of comments at the end. Yes, we argued. Yes, we argued hard. We put forward lots of propositions. Some got in there. They were not in the dissenting report. The ones that did not get into the main report were put by us in our very comprehensive—as you say, 80-page—dissenting report. The most embarrassing thing for Ms MacDonald is the fact that our dissenting report was much more impressive than the report that she oversaw.

That is what hurts. What hurts Ms MacDonald is the fact that we put together in a short amount of time and without secretariat support a report which was a good report and which held the government to account. Despite Ms MacDonald's efforts and despite the stacking of the committee to an extent, at least we had something come out of that process. The fact that we did not have a government majority meant that we were able to get some things in the report that maybe were a little bit critical of the government.

That is not going to happen this time because nothing will get up, as there will be three government members to vote against anything that might be critical of the budget or that might be critical of the government. I look forward to being proved wrong in that and seeing the three government members being harsh and critical of the government, actually scrutinising it and actually holding the government to account, but I will not be holding my breath.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

Amendment agreed to.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (12.10): I seek leave to move the amendment circulated in my name.

Leave granted.

MR CORBELL: I move:

Insert new paragraph 4A:

“(4A) The Committee Chair shall be held by a Government Member.”.

Today we have seen the true colours of the Liberal Party. The committee has not even been formed and they are talking about a dissenting report. The committee has not even met and the Liberal Party have already decided that there is going to be a dissenting report. They have already decided on what their approach is going to be to the estimates committee. They have already decided—

MR SPEAKER: Mr Corbell, please do not digress from the subject matter of the amendment that you have put before the chair.

MR CORBELL: Indeed, Mr Speaker, and I will not. It is quite clear that the Liberal Party have already decided that they are going to be divisive, confrontational and non-cooperative on the committee. We have heard from Mr Pratt, Mr Seselja, Mr Stefaniak and Mr Smyth. They have all foreshadowed that there is going to be a dissenting report. I do not know—

MR SPEAKER: Order! Mr Corbell, you have spoken on a previous amendment. There is a very firm rule in *House of Representative Practice* that, if you move a further amendment, you ought to confine yourself to the amendment before the chair.

MR CORBELL: Thank you, Mr Speaker. The reason I am moving the amendment that the committee chair shall be held by a government member is that the opposition have made it very clear that there is going to be a divisive, confrontational, non-cooperative approach. They have already flagged that there is going to be a dissenting report. The committee has not even met and they have flagged that there is going to be a dissenting report.

The government asserts that, as the majority party in the place, it is entitled to have one of its members as chair of the committee, consistent with the approach taken in every other parliament in the country where there is a majority government. The government party frequently asserts in parliament its right to chair committees of importance. It happens in the federal parliament and it happens in the New South Wales parliament. It happens in all of those parliaments. I am afraid that Dr Foskey and the Liberal Party will have to get used to the fact that, until October 2008, this government will have a majority in this house and this government will assert its majority in the same way as governments in other parliaments in this country assert their majorities.

There is nothing undemocratic about that. There is nothing unparliamentary about it. It is entirely in accordance with the will of a democratically elected government to assert its majority in a parliament in the way that it believes is in the best interests of the people of the community it is elected to serve. It is as simple as that. The opposition and the minor party can go outside and say why they believe it is wrong, but they make the argument in the face of precedent around this country.

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

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent Assembly business continuing until 12.30 pm today.

Estimates 2006-2007—Select Committee Establishment

Debate resumed.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (12.15): Mr Speaker, the only reason that there has not been such a precedent for this place is that there has not been a majority government in this place. It is as simple as that. The opposition is living in the past. The crossbench member is living in the past. They go back to the days when there was minority government and the then government was held hostage by Liberal and crossbench parties, indeed any opposition party, but in 2004 there was a change. The people of Canberra voted for a majority government. They knew what that meant. They know what majority governments are about.

Mr Pratt: They did not vote for a non-transparent government.

MR SPEAKER: Order! I warn you, Mr Pratt.

MR CORBELL: Mr Speaker, they know what majority governments are about. Majority governments are about the majority of members in this place asserting their majority in this place. You are not telling me that the people of Canberra are naive, that they do not know what majority government means, that they do not know that there is no upper house in this place, are you? The people of Canberra are not naive. They knew that they were voting for a majority government.

Mr Gentleman: They voted for leadership.

MR CORBELL: They voted for leadership. They voted for Jon Stanhope. They voted for this government to get on with the job. That is exactly what this government is doing. The opposition can make cry to precedent or what happened in the past. Guess what: it is the past. It is not the present; it is the past. It is entirely reasonable for the Labor Party, as

the majority party in this place, to assert its majority and to say that a committee of importance in this place should be chaired by a government member.

Mrs Dunne: Mr Speaker, I seek your ruling on whether Mr Corbell's amendment is in order. My understanding is that the issue of who appoints a chair is not a matter for the Assembly; it is a matter for the committee as constituted by this Assembly. I would like your ruling on whether Mr Corbell's amendment is in order.

MR SPEAKER: You have granted him leave to move it.

Mrs Dunne: On that point, Mr Speaker: we granted leave before it was circulated and I therefore seek your ruling.

MR CORBELL: Mr Speaker, if I can assist you, paragraph (5) of Mr Smyth's motion reads:

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

Mr Smyth has exempted the terms of reference where they are inconsistent with the standing orders.

MR SPEAKER: Plainly, the Assembly is a superior body to the committees, and the committees are subject to the will of the Assembly.

Mrs Dunne: I take your point.

MR CORBELL: I will conclude on this point: the government asserts its majority in this place. It is the precedent in parliaments around the country that committees of significance are chaired by a member of the governing party, the majority party, in the parliament. It is not unique to this place, nor is it unique to unicameral or bicameral parliaments. Queensland and the Northern Territory have had majority government for years—decades even.

The only people who are being precious and defensive in this debate are members of the Liberal Party and the crossbench member, Dr Foskey. They are trying to assert a principle which is completely at odds with common parliamentary practice round this nation. They are trying to assert a principle which may have been entirely relevant at a time of minority government, but which is completely in the past in a majority government environment. I commend the amendment to members.

MRS DUNNE (Ginninderra) (12.20): What we have here is at least a better process. I congratulate the Manager of Government Business. At least he has a better process this time than we had last year, when we had conniving and offerings of preferment behind closed doors to ensure that Ms MacDonald became the chair of the committee. At least it is open and out there. We do have some return to open and accountable government, but it is a very small return to open and accountable government.

The hypocrisy of the Stanhope government is apparent. The fact is that they have now proved that Mr Stanhope cannot be believed when he says that people have nothing to fear from majority government. What we actually have here is the flexing of muscles. It is being the bully, saying, "We have got the numbers in the playground. We have got the capacity to take all the jacks ourselves." That is what is actually happening. It is actually a gross, base grab for cash for the disaffected backbench members who did not get a place in the ministry. We have a pseudo select committee so that Mr Gentleman can get a chair's allowance and somebody else will get a chair's allowance out of this so that everyone can have their share of the jacks and this government can take hold of them itself. This playground has just become a no-go area unless you belong to the Labor team.

Mr Barr: Just because your colleagues took all that money off you.

MRS DUNNE: It is nice to have friends in the playground, Mr Barr, but the Labor bullies that you have just joined have just taken over the playground, to the detriment of good government in this place. It is really interesting to find that suddenly the iconoclasts of the left of the Labor Party are looking for precedent. They are scrabbling around for an opportunity to justify their bullying. This is a complete travesty. If you are going to look for precedents about how to perform in this Assembly, you should look at what has happened in this Assembly before you go somewhere else. There is no point in looking at *House of Representatives Practice* if there is already a practice in place here, and the practice in this place—

Mr Hargreaves: Like the Osborne Liberal government way of doing it.

MRS DUNNE: You might find, Mr Hargreaves, that last year we reported to this place that we had passed a motion in our party room that said that if we were in government we would never treat the committee system the way that it was treated last year and will be treated this year.

I will go to my records, find the motion and read it out later in the day in the adjournment debate. That is the approach that this opposition took. We had a discussion about it and we decided that it was not appropriate to exercise your muscle just because you had a majority. We would not do it. We have made a commitment. We made the commitment last year. I am happy to repeat that commitment this year. We would not do what this bullying Labor government is proposing to do today.

DR FOSKEY (Molonglo) (12.23): I seek leave to move the amendment circulated in my name.

Leave granted.

DR FOSKEY: I move the following amendment to Mr Corbell's proposed amendment:

Omit all words after "Committee", substitute "will have co-chairs, one held by the Government as decided by the Assembly, the other to be chosen by the Committee."

I wish to speak briefly to the amendment. I am not expecting it, but I would like to have the support of the Assembly for my amendment. I have moved it to try to insert a little bit of democracy into this process. At this point in time, we are watching a very arrogant, schoolmasterish government wielding the big stick. I believe that a lot of what we are seeing today is a legacy of how the opposition members behaved on the estimates committee last year. It is very clear, especially from Ms MacDonald's presentation, that that still rankles very strongly with the government.

I think that the opposition members who were on the estimates committee were not wise in their behaviour last year. Their bullying has not paid off. But I do not think it is fair that the whole of the ACT should pay for it by having a less transparent estimates process, by having more people to ask dorothy dixers and tie up the time of the bureaucrats who take the time to appear before us. So I am proposing that this committee have co-chairs that can operate together, rather than having a deputy chair and a chairperson, which has been the tradition, because I think that we have to try to save this process somehow.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (12.26): The government will not be agreeing with Dr Foskey's proposal today. Maybe we can all sit in a circle and just try to pick up the good vibes on whether this is a good idea, a good budget initiative. It would be a silly idea to have co-chairs. Who would be in charge of the committee? What a recipe for chaos that would be. What an absurd proposition. The government does not support it.

I want to respond to some of the other points Dr Foskey made in her speech to her amendment. One of those points was her assertion that she was trying to inject some democracy into this place. The Greens have been great champions of the Assembly and the role of the Assembly in asserting what it believes should be the appropriate direction. It is interesting how that changes and the Assembly is no longer the venue for democracy in this place when the Greens cannot influence it. It is very interesting how the argument changes. I have heard Lucy Horodny and Kerrie Tucker asserting as members the right of the Assembly to debate issues, have motions moved and decide on these sorts of matters. But all of a sudden when it does not suit the Greens, when the Greens cannot influence that because they failed to do so in the election, the Assembly is not the place for democracy, apparently. That is the assertion of Dr Foskey.

We will all have the opportunity in 2008 to go out and make our arguments and to ask the people of Canberra to decide what they believe is the best thing for their community and who should represent them. That is the way it works; we all understand that. That is the way it should work. The Greens failed in the last election to achieve a greater level of representation than they had. In fact, their vote went down in the last election. They did not even maintain the level of support that they had prior to the last election. For Dr Foskey to come into this place and assert that the Assembly is not democratic, that the Assembly cannot decide these matters, is an absurd argument. Go out, Dr Foskey, and say to the people of Canberra that the Assembly is not democratic.

Who elected us here? The people of Canberra elected us. All this majority government is saying is that we as a majority, as the party that gained the largest share of votes in the last election, wish to see one of our members, elected by the people of Canberra, as the

chair of this committee. That is not a radical concept. It is not a concept dangerous to democracy because it happens everywhere else in Australia without any real impact on democratic governance and oversight.

Further, the government is not even asserting a majority on the committee. There has been a claim that in some way the government is stacking the committee. If you stack a committee, you make sure that you have a majority. We all understand that and there would be ways of doing that if we wanted to do it. We could have just said that there will be three government and two opposition members and that is the end of the story. We could have done that. There was a range of options open to the government. But we chose not to do that. The government does not support the amendment.

MR SPEAKER: Order! In accordance with the motion passed by the Assembly for the suspension of standing orders, I will put Dr Foskey's amendment.

Mrs Burke: Mr Speaker, I have just consulted with the government whip and I understand that we will be suspending standing orders after the MPI this afternoon for the resumption of the debate.

MR SPEAKER: The question resolved by the house was that the standing orders be suspended to enable this piece of business to be concluded by 12.30 pm. I am bound by that.

Mr Corbell: Mr Speaker, I seek your guidance on that. That was not my understanding, but I appreciate there was a motion moved to facilitate the continuation of the debate until 12.30 pm. The government is quite happy to conclude this matter after question time and allow other members to speak on it if they so wish.

MR SPEAKER: I will resolve the situation by saying that I understand that it is the wish of the Assembly to suspend the sitting until 2.30 pm. That being the case, I will resume the chair at 2.30 pm.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice **ActewAGL-Alinta—proposed merger**

MR SMYTH: My question is to the Chief Minister and Treasurer. Chief Minister, AGL and Alinta are two listed companies, and each is involved in the generation, distribution and retailing of electricity and in the distribution and retailing of gas within Australia. AGL is also a joint venture partner with Actew in the electricity and gas distribution and retailing entity, ActewAGL.

Last Wednesday, AGL and Alinta announced that they would merge their businesses to create two separate entities. AGL Energy would contain each company's retail electricity and gas businesses, including that of ActewAGL; Alinta would contain each company's electricity and gas distribution assets, including the relevant assets of ActewAGL.

Chief Minister, can you tell the ACT community what assessment your government has made of the potential implications of this restructuring proposal on the supply of electricity and gas within the ACT? In particular, has any analysis been undertaken of the consequences of this proposal for ACT consumers?

MR STANHOPE: I thank the Leader of the Opposition for the question and I acknowledge the importance of the issues that the Leader of the Opposition raises in the question. It certainly is an issue of very, very significant and high importance to the ACT government, to ActewAGL and, indeed, for the people of the ACT.

As the Leader of the Opposition has pointed out, there has for some time been a level of sparring between AGL and Alinta. That commenced significantly on 31 October 2005, when AGL announced the plan to demerge into two new major listed businesses by separating its retail and emergent energy assets from its infrastructure assets. Of course, from that time, namely 31 October, when AGL first indicated that it was seeking to restructure, the ACT government initiated with Actew and ActewAGL a process to ensure that the interests of the territory were utterly protected.

Indeed, after 31 October, when AGL made that announcement, the next significant milestone or issue or point occurred certainly in January, when the chairman of Actew formally advised the voting shareholders of a number of issues of significant concern to Actew with respect to the impact of the merger on the ActewAGL joint venture. A principle document was agreed with AGL in relation to how to deal with those particular issues, and the Actew board, at the urging of the ACT government, made it clear to AGL at that time that any change in the present joint venture arrangements would not be acceptable if the change adversely impacted on the successful operation of ActewAGL.

As the Leader of the Opposition indicated, then, on 21 February, Alinta announced that it had secured a 10 per cent stake in AGL and proposed a merger with AGL followed by a combined demerger. On 23 February, Alinta advised that it had secured 19.9 per cent in AGL through a \$1.8 billion purchase of shares. On 13 March 2006, AGL countered the Alinta merger proposal with its own merger offer, to be followed by a demerger of the combined AGL-Alinta. Both companies continued to reject each other's proposals, to a point where, as the Leader of the Opposition indicates, within the last week something of an accommodation has been achieved, as a result of which the new structural or company arrangements have again raised a number of significant issues of continuing interest, of course, to AGL in the context and, through AGL, ActewAGL and Actew.

I think it was as recently as the last week that I again communicated with the Chairman of Actew, Mr Jim Service, seeking further advice on the nature of negotiations and the specific issues that Actew and ActewAGL need to be mindful of and need to pursue in a close and continuing dialogue in relation to all the implications of the new corporate structure and the essential strategic plan, which our slightly restructured partners in ActewAGL are now pursuing.

Let me assure members that it is an issue of continuing discussion and communication between the government and Actew through the chairman of Actew. It is an issue of enormous significance to the territory and we are taking every step to ensure in the

advice provided and available that the interests of the territory and territory consumers are protected.

MR SMYTH: I have a supplementary question, Mr Speaker. Chief Minister, what contingencies are being prepared in the event that the outcome of this restructuring, including the payments of dividends, impacts adversely on the ACT and its budget?

MR STANHOPE: At this stage the position of the territory, of course, has not been anywhere near concluded. It is only within the last week that the current final arrangement in the corporate sparring between Alinta and AGL has come to something that one might consider to be a concluded position. I do not know the date—I think the Leader of the Opposition may have referred to it—but it is certainly as recently as in the last 10 days or so, from memory—

Mr Smyth: Last Wednesday.

MR STANHOPE: Last Wednesday the latest, and what we believe may be the final, arrangement in relation to the new corporate structure of our partner has been determined. I have not yet had the benefit of further advice following that last achieved position. The advice that I have received to date from Actew in relation to the corporate restructuring that is occurring has been one of some comfort in the context of the significant negotiating position that Actew has. This is not an area or an issue in relation to which Actew, as an equal partner in the partnership, is at a disadvantage in a negotiating or a legal sense. Our position is well protected by the partnership arrangement. But the issues are potentially of real significance, obviously, in relation to new governance and administrative arrangements that will need to be determined. The issues have not been resolved. I have not yet received any considered advice at all on the implications of the latest emanation.

Let me say, and make this offer to the opposition and to the cross benches, that I would have no hesitation in arranging for an appropriate and detailed briefing of the Leader of the Opposition or the leader of the Greens in relation to implications for Actew or ActewAGL. It is a matter of enormous significance and I would be more than willing to arrange a briefing for you.

Schools—closures

MR SESELJA: Mr Speaker, my question is to the Minister for Education and Training. Minister, both the Chief Minister and your predecessor have indicated that the government is seriously considering school closures. Now you have joined the chorus, saying on 21 April and again yesterday, “It’s inevitable that some schools will close.” Minister, have you or your department developed a short list of schools that you will consider closing?

MR BARR: Mr Speaker, there is at this very early stage of my tenure as minister no hit list. I will, of course, be engaging in the process in coming months of consulting with the community around a range of options that we will take forward. My view is that I need to present an open and honest appraisal of where our school system is. My objective overall is to see a strengthening of public education across the city. It is something that

Ms Gallagher began in the process of change in west Belconnen. I believe that was a wise decision and one that showed foresight in investing in public education.

Mr Speaker, I am proud to stand up here as a minister for education and a strong supporter of public education in this city. I question whether those opposite have the same commitment to public education.

Mr Smyth: Of course we do. We went through the system.

MR BARR: I think the evidence is somewhat different. But if there is to be a change of heart by the Liberal opposition and are they going to come on board in support of reform in public education to see our system strengthened, I would welcome that.

Mr Hargreaves: You may not live that long.

MR BARR: I may not, Mr Hargreaves. I may not live that long. But if the opposition is genuine, I would welcome that. I believe that public education needs all the supporters it can get, all the champions it can get. We have been experiencing across the country a period where the enrolment drift has been away from public education. I would like to see that reversed and I will be taking forward in the coming months a package to address those issues.

MR SESELJA: Mr Speaker, I ask a supplementary question. Minister, when do you anticipate that your hit list of schools will be completed?

MR BARR: There is no hit list. I do anticipate bringing forward a package of reform in the coming months.

Gungahlin Drive extension

DR FOSKEY: My question is to the minister for municipal affairs and concerns the environment. Can the minister explain how the endemic population of the endangered *Swainsona recta*, the small purple pea, in south-east Belconnen will be protected during the development of the Gungahlin Drive extension, including the upgrading of William Hovell Drive and the Glenloch Interchange?

MR HARGREAVES: That was a really good trick question, Dr Foskey; it was a beauty! The development of the Gungahlin Drive extension and the roadworks that have been completed over a period have been done in consultation with the Conservator of Flora and Fauna and have been done in concert with all manner of environmental experts. I have to confess that I do not know about the endangered pea of which you speak, Dr Foskey. I will take the question on board and investigate who has been doing what to peas in the Gungahlin Drive extension. I will take advice on that. I have to say, though, in answering your question in general terms, that I am particularly impressed with the sensitivity with which the contractors and the planners have done their work on the GDE.

You might have heard us talking recently about six 76-tonne spans going across Ginninderra Drive. A media release on that talked about what would happen across the GDE all up. Eighty thousand trees have been put back. Interestingly, they were not just

something that we picked off a shelf at Woolies and whacked in the ground. They were actually the progeny of those trees which, unfortunately, had to be removed to put through there the massive roadway of which you disagree. I have noticed, incidentally, that lots of people have said to us, "That was a really good idea. If you have taken out these trees and put in the sons and daughters of those trees next to that big roadway, that was a really good thing to do." I have noticed that congratulation of that has been singularly missing from the Save the Ridge group and from the Greens party of Australia. I thought that, just as my colleague Mr Barr will not live long enough to see these guys come on board with education, we will not live long enough to see the Greens congratulate us on doing something well.

DR FOSKEY: Could the minister please explain why the action plan, No 9, for *Swainsona recta* has not been updated online, which is the only way we can view it, since 1997, given that a new population was found in October 2003 and despite a commitment within the action plan to review the position after three years?

Mr Pratt: You are not safe.

MR HARGREAVES: I am beginning to feel like an endangered species, such that I do not want to go down the Gungahlin Drive extension before it is completed. Mr Speaker, in answer to Dr Foskey's question, no.

Australian National University—secondary college

MS PORTER: Mr Speaker, my question, through you, is to the Chief Minister. I understand that earlier this afternoon you officially opened the new ANU secondary college with the Vice-Chancellor of the university, Professor Ian Chubb. What has been the involvement of the ACT government in the establishment of the college and how has it been received by students and parents?

MR STANHOPE: I thank Ms Porter for the question. I am very pleased to be able to inform the Assembly today about the beginning of what is, I think, a great partnership that will have significant benefit for ACT students and the Canberra community for years to come. At the heart of our philosophy that drives government schools is essentially the philosophy that drives the Australian National University: excellence, delivered in a culture of accessibility. Today that shared philosophy between ACT education and the Australian National University gave birth to what I think is a tremendous idea which I first discussed, interestingly, with Professor Chubb when we were on a joint delegation to China some little time ago.

One of the ACT government's priorities, which is set out in the social plan and which drives very much this government, is to create a society, a community, that has available a network of learning opportunities that allows every member of our society to reach their potential, whatever their capacity, whatever their age and whatever their income or personal circumstance. For our students, this means not only providing assistance for those who may struggle academically but also providing opportunities for our highest achieving students.

The ANU secondary college initiative is a means of ensuring that those with the capacity for deeper engagement and more intense understanding than the regular curriculum

provides can be challenged and encouraged to immerse themselves more fully and more rigorously in the academic life of the community. The great collaboration between the ACT government and the ANU started today, born of that shared ideal. The government, through the Department of Education and Training, and very much the hard work of Michele Bruniges and the team that has assisted her on this, working collaboratively with the ANU, has, over the past six months or more of quite intense activity, got this project off the ground.

All courses delivered at the ANU secondary college have been designed by and will be delivered by ACT government college teachers, with the support and expertise of their university colleagues. A very strong partnership has been developed to ensure that the courses can meet these very high-achieving students both now and in the future.

The government will always have an abiding interest, represented through this particular initiative, in seeing that those who emerge from our fantastic schools are equipped as fully as possible to grasp the opportunities that life will present—equipped not just in terms of good grades but with a hunger for learning, with initiative, with a capacity to innovate and with an understanding of where learning can take any individual in life if they so wish to pursue the opportunities.

There is enormously strong interest in this new opportunity. Well over 100 applications were received from the government school sector. Sixty-five of those have been selected, and they started their new college today. A careful selection process was pursued to ensure that all the selected applicants were in a strong position to benefit from the program. The initial focus is on chemistry, maths and physics. Parents of current year 10 students are already inquiring about the program for 2007 when, I am sure, we can expect a much larger field of applicants for its second year of operation.

It is also notable that the non-government school sector is participating in this initiative. It is very much a joint college. That has presented some issues for the territory—issues that have been worked through with the ANU. In addition to the 65 ACT government students, each of whom studies for free at the college, consistent with our obligation and determination that education be free, there are 45 students from the non-government sector. The interest has been enormous and will continue to grow. We will treat this year very much as a trial of what I think will prove to be an outstanding success and one in relation to which students and parents are queuing up to be involved.

MS PORTER: Can the Chief Minister tell the Assembly what opportunities will flow to ACT secondary students from the opening of the ANU secondary college?

MR STANHOPE: As I have indicated—and I will be quite brief—the opportunities are enormous for a group of highly gifted students who have excelled in maths and science to be able to continue their learning, as students within the college system, at a college within the Australian National University specialising in the presentation of mathematics, chemistry and physics, with the aid and assistance of staff from the Australian National University—a university now recognised, without dispute by any other university in Australia, as the pre-eminent research and teaching university in Australia. It is probably fair to say it is the pre-eminent Southern Hemisphere university. That is the status that the Australian National University has achieved.

It is an enormous opportunity, when one contemplates it, that is now being provided by the ACT government, through the government school system most particularly in the first instance, to our high-achieving science and maths students to participate in courses presented within the greatest research and teaching university in the Southern Hemisphere. It is an enormous and unparalleled opportunity which our students now have available to them through the pursuit of this initiative by the ACT department of education and the ACT government. The fields for this year will be mathematics, chemistry and physics. One hopes that, if this particular project is successful, in the future it will be able to expand the range of courses that will be available.

Students that are members of the ANU secondary college will receive ANU credits for the units that they study there—in fact, credits for when they continue their studies post college or school, if they decide to pursue degrees at the Australian National University. It is an indication of how significant this particular proposal is that students successfully completing their courses of study at this particular college will receive, from the Australian National University, credits within their undergraduate degree courses, should they pursue an undergraduate degree at the Australian National University. The completed program will count towards a university admissions index for those students.

The ANU secondary college will not only extend our talented students academically but will almost certainly expand their horizons. It will introduce them to new ideas, to new mentors and hopefully develop for them a life-long love of learning and, most specifically, acknowledge some of the difficulties that we as a nation have had in attracting our best students to science and mathematics and to courses that flow from the science and mathematics professions and that may result in a great boom for us, as a community, the Australian National University, as a university, and Australia, as a nation. It is a fantastic new project. I am hoping that it will be successful. I cannot imagine that it will not be. It is a credit, I believe, to the ACT government, and certainly to the department of education and the Australian National University.

Policing—counter-terrorism legislation

MR PRATT: Mr Speaker, my question is to the Chief Minister. Chief Minister, as you will recall, the AFP commissioner, Mick Keelty, appeared before an Assembly committee inquiry—a committee before which you also appeared—to discuss the ACT's counter-terrorism legislation. Despite the commissioner's many years of top level policing experience and his deep understanding of the development of extremism in this country, you dismissed his assessment of your proposed laws and subjected him to severe personal criticism. How do you justify harshly criticising the commissioner's highly experienced views on counter-terrorism laws? Why do you not take seriously the advice of experienced officers when the community's safety is at stake, just because it clashes with your own ideological views?

MR STANHOPE: I thank Mr Pratt for the question. As I indicated yesterday—and Mr Pratt has outlined the sequence of events—Commissioner Keelty was invited to present evidence to an ACT parliamentary committee. He presented a certain view and an opinion at that hearing. In his evidence, his opinion was to the effect that some differences between the effect and import of certain provisions within the ACT legislation had increased the risk of terrorists targeting the Australian Capital Territory. I

reject that analysis absolutely. In my evidence, I described the prospect of Osama bin Laden directing his operatives to do a comparative search and analysis of legislation throughout Australia and the western world to see how powers vested in the police might be used to identify possible terrorist targets.

The position Commissioner Keelty put was that terrorists would do a comparative analysis of different legislation—people perhaps proposing to engage in suicide attacks or people determined to blow up buildings—before engaging in suicide attacks. An attack would, of course, kill them. The essential proposition is that a suicide bomber would, before determining his target, get all the Australian legislation—the laws of the ACT, Queensland, South Australia and Tasmania; do an analysis to see which one of the laws provided the least chance of a suicide bomber being arrested and pursued by the law; and choose a target on that basis.

I politely described that essential proposition as preposterous. I never hesitate to say that, despite the differences of opinion aired through that Assembly process, and despite the differences of opinion aired yesterday and today between Commissioner Keelty, the minister for police and me, I have the highest regard for Commissioner Keelty. To suggest that I have in some way belittled him or attacked him personally simply denies the enormously high regard in which I hold Commissioner Keelty. Some of my regard of course goes back to Commissioner Keelty's other expressed and honestly held opinion that the participation by Australia in the invasion of Iraq rendered Australia—

Mr Smyth interjecting—

MR STANHOPE: Let us talk about some other expressions of opinion by Commissioner Keelty. Commissioner Keelty is on the public record—very publicly on the record—as expressing a firm opinion that the participation by Australia in the invasion of Iraq rendered Australia more susceptible to and more attractive as a terrorist target. We recall the response of the Prime Minister to Commissioner Keelty's suggestion. Commissioner Keelty was required to publicly retract. As head of the Australian Federal Police, Commissioner Keelty expressed an opinion that the involvement of Australia in the invasion of Iraq made Australia far more likely to be targeted for attack by terrorists. The Prime Minister required of him a public recanting of his position.

I have not required any such thing of the Commissioner of the Australian Federal Police; I simply expressed an opinion contrary to his opinion. Shock, horror! A politician disagrees with a policeman. Shock, horror! How dare a politician disagree with a policeman? Why is it that when a politician disagrees with a policeman it is a personal attack? It was a simple disagreement.

MR PRATT: Mr Speaker, I have a supplementary question. Chief Minister, how can public servants appearing before Assembly committees—particularly the new one we are going to be seeing this year—be assured that they can give frank and fearless advice without fear of personal ridicule from the ACT's Chief Minister?

MR STANHOPE: I have never attacked public servants for any evidence they have given before any committee. I support absolutely and encourage public servants to be honest and forthright—in fact, the law requires it of them—in their appearances before

parliamentary committees. It is a requirement under the law that they do so. I, of course, encourage all public servants to be honest and forthright in all their evidence before any parliamentary committee.

I will not resile from the point that, as an invited witness before the same inquiry, I should have tempered my honest opinion. Do you think the public might hold some interest in being assured that their elected representatives—their politicians—will also give frank, fearless and honest evidence to parliamentary committees; or is it the position of the Liberal Party that in evidence I, for instance, give before committees to which from time to time they call me, they would prefer me not to be frank, open and honest? Would they perhaps prefer me to shuffle around issues so I get to the point of saying, “Well, I have an opinion on this but my opinion is contrary to opinions expressed by previous witnesses. They are public servants, so just let my opinion go by. We won’t get to what I truly and honestly think”?

It is an absolute nonsense to suggest that in any committee of this parliament I appear before, this community would expect me to be anything other than honest, open and forthright. That is what I am and that is what I will continue to be. It is of concern to me that the Liberal Party fails to get to the heart of the issue in relation to the particular responsibilities and accountability of ministers, of parliaments and of public officials. That is at the heart of the issue. I must say I regret the incredibly shallow approach adopted by the ABC in pursuing the issue today.

Let me paint this picture for the ABC: it would be interesting if tomorrow Ross Solly interviewed the general manager of radio station 666 and asked her to put in a last minute plea to Peter Costello for an enhanced budget for the ABC. I wonder how the general manager of the ABC would respond to a question inviting a response from Ross Solly such as, “General manager, don’t you think the people of Canberra have an interest in what you think about your budget? Why don’t you have a go at your minister now and ask, ‘Minister, I think I need another 10 journalists down here. What do you think about that?’”

It is open to the general manager of the ABC to approach one of her journalists and ask to be interviewed about the ABC’s budget. Have you ever heard an interview of that order on the ABC? I think not. I would have been interested in hearing this morning, or yesterday morning, the commissioner’s response to a question from the ABC on whether or not the commissioner was satisfied with the level of resources being applied to him in the context of the national federal police responsibility.

Mr Hargreaves: Good question!

MR STANHOPE: It would have been a fantastic question. One wonders why that question was not asked.

Opposition members interjecting—

MR SPEAKER: Order!

MR STANHOPE: One wonders what response might have been given by

Commissioner Keelty to a question which invited him to address his satisfaction with the level of resourcing he was receiving from his federal minister.

Mr Pratt: John Howard running ABC?

MR SPEAKER: Mr Pratt, I warn you.

Policing—numbers

MR STEFANIAK: My question is to the police minister. Minister, on ABC radio this morning, you were asked whether or not the AFP Commissioner Mick Keelty had compromised you by going public with his call for additional police. Your answer was: yes, he has. We also know from ACT Policing annual reports that, in the 4½ years you have now been in government, you have run down the force from 571.7 sworn police, and that is 25 fewer sworn police than we had in 2000-01.

Minister, what exactly do you think has been compromised by Commissioner Keelty, especially when it is well known, through the Productivity Commission's figures, that we have the lowest police numbers per head of population of any state and territory in the country?

MR CORBELL: I thank Mr Stefaniak for the question. First of all, my understanding, Mr Stefaniak, is that the number of sworn police officers in the ACT is over 600. So the figure that you assert is incorrect.

Secondly, and I think the Chief Minister has elaborated on this point already but I am happy to follow it up, all I would say is this: would you seriously expect that the head of ACT Health, the head of a budget process, would publicly in an interview come out and say, "Well, I've told the minister that we need 600 more nurses and I really hope that we get them"? Would you seriously expect that the head of the ACT department of education would come out and say, "Well, I've told the minister I don't like this idea about closing schools"? Would you seriously expect a senior public servant to behave in such a way? Did you when you were in government? Was that the approach that you adopted?

The Commissioner of the Australian Federal Police is the head of both the national police force serving the interests of the commonwealth, and therefore the nation as a whole, but he is also the head of the second element of the AFP in that he is responsible for community policing. I am the minister responsible for the provision of community policing here in the ACT. The commissioner, in my view, and I have said this publicly, cannot be both inside the tent and outside the tent. You cannot be outside the tent when you are dissatisfied with government decisions and then inside the tent when you are working for the government.

Commissioner Keelty, by his own admission, is a public servant. Senior public servants do not go out and publicly advocate a policy position ahead of the government making a decision. That is what Commissioner Keelty did. It is wrong. It is inconsistent with the approach that senior public servants take nationally and locally. Yes, it puts me, as police minister, in a very difficult position, because any decision that is announced that is not

100 per cent consistent with Commissioner Keelty's preferred option will be questioned. That is not the appropriate position for a senior public servant to put a minister in.

MR STEFANIAK: I ask a supplementary question. Minister, will you please, by close of business today, table the exact number of sworn police, of total police numbers in the ACT as at last pay day, according to your own records, and the exact number of how far below the national average we are? If you won't, why won't you?

MR CORBELL: It would be a very long and detailed answer to that question. I think the simplest thing I can say is that I will take the question on notice.

Schools—closures

MRS BURKE: My question is to the minister for education. Duffy primary, Weston Creek primary and Rivett primary have been identified in the Department of Education and Training census as all having enrolments below 150 students. Minister, given your emphasis on the number of empty desks at ACT government schools, schools such as those are more likely than schools with high enrolments to be part of the government's hit list for closure. Will you rule out closing all three of those schools as part of your program of school closures?

Mr Stanhope: What would Mr Pratt have done?

MR BARR: That is a very good question, Chief Minister. The Liberal Party does appear to have two positions on school closures. I do note again that Mr Pratt is on record as saying that some schools would have to close. He did say:

It is expensive to operate a school and if it can be merged with another school that is not at capacity and without forcing class sizes to swell, this may be necessary in terms of funding, teacher numbers and the best possible student outcomes ...

I will not be making announcements today. As much as I respect Mrs Burke and her desire to seek information from me, I will not be making announcements today in advance of the budget and the package of reforms that I will be announcing in coming months.

MRS BURKE: Minister, what would you say now to those residents of the northern suburbs of Weston Creek who may be feeling with fear and trepidation that their primary school may close? Would you say that they may be left without a primary school to service their needs?

MR BARR: I will be saying to those residents that my objective as education minister is to ensure that the children of Weston Creek get the best possible public education that they can. I will be engaging with those communities with a view to seeing how we can best devote education resources to ensure, as I say, the best possible student outcomes.

That applies across the territory. We need to be cognisant of the fact that we have to supply a package of public education across all the suburbs of this city and that we need to ensure that those educational outcomes are of the highest possible standard. So my considered position will be to go to all of those communities where there may be a need

for change and I will seek to engage in the best means of delivering the highest quality public education in those areas.

That is a fundamental commitment that I announced in my inaugural speech. Consistent throughout my time as education minister will be that the fundamental driving principle has to be a strong public education system. If we do not deliver that, then we have failed as a government. My view is that that has to be front and centre of everything that we are about as a government; that is, strong public education. But that does not mean that things will stay the same.

Mrs Burke: So they will be guaranteed of one school at least.

MR BARR: It does not mean that things will stay the same forever, but one thing I will absolutely guarantee is that public education will be strengthened across the territory.

International Midwives Day

MS MacDONALD: My question is to the Minister for Health. Minister, I understand that tomorrow is International Midwives Day, which will begin celebrations for International Nurses and Midwives Week. Could you inform the Assembly of events that are taking place across the territory to acknowledge the excellent work of nurses and midwives?

MS GALLAGHER: I thank Ms MacDonald for the question. I understand that there are around 5,000 nurses and midwives working in various settings across the community. They hold an important place in the lives of their patients and clients. They are there at some of the most exciting times of our lives and some of the most painful. This dedicated week focuses attention on the value and achievements of nursing and midwifery and provides great opportunities for nurses and midwives to showcase both their profession and their work and to have their contribution recognised by the community.

Anyone who has had the fortune, or misfortune, as the case may be, to spend time being nursed, whether at home, in a community setting or in a hospital, will accept that nurses have one of the most difficult jobs in our community. To be a good nurse and provide that level of care that is required in often very stressful situations requires skill and dedication that many of us do not have.

This week there will be a series of presentations, speeches and events around the topic of nurses and midwives. Highlights include the inaugural ACT Midwives and Nurses Week Oration by Adjunct Professor Belinda Moyes. She will speak on preparing for the future.

On Tuesday, 9 May, the second ACT nurses and midwives award ceremony will recognise excellence amongst nurses and midwives in the ACT. The awards include Nurse of the Year, Midwife of the Year and excellence awards in the areas of management, education, clinical nursing, research in nursing and the award for the best nursing team.

On the morning of Friday, 12 May is International Nurses Day Royal College of Nursing breakfast with the theme *People, places & power—protecting the public or protecting ourselves*, with guest speaker Vanessa Owen. Finally, I look forward to attending the

remembrance and thanksgiving ceremony being held at the Australian War Memorial next Friday, 12 May.

To celebrate midwives day and begin nurses and midwives week, I will announce the first nurse practitioners of the ACT. Nurse practitioners are experienced registered nurses who have acquired extensive clinical nursing experience and completed additional education to enable them to function autonomously in an expert clinical role.

This is the culmination of over six years of planning, research and policy development, legislative and regulatory changes and extensive educational preparation for the nurse practitioners. The introduction of nurse practitioners provides an exciting opportunity to explore innovative models of service delivery across the ACT. It continues the development of the ACT as a centre for excellence in nursing and midwifery practice.

The final report for the aged care nurse practitioner pilot project, a 12-month research project undertaken by the ACT government in collaboration with the Australian government Department of Health and Ageing will be released tomorrow. This is an important piece of work, as Australia is facing significant progressive change in the demographics of the population, and the ACT is no exception with rapid growth in the oldest age group. This pilot demonstrates our government's commitment to consider all policy options to confront these issues.

I will also launch the ACT Council for Nurses and Midwives strategic directions document. The council was formed to help set direction and shape the future for nurses and midwives in the region. This document will set the purpose for council during the next 18 months.

I do not think any of us here can overestimate the contribution nurses and midwives make to the community. I encourage all members to get involved in this week of celebration to recognise their significant contribution.

Schools—closures

MRS DUNNE: Mr Speaker, my question is to the Minister for Education and Training. Earlier today Mr Hargreaves said that the new minister for education would not live long enough to see members of the opposition come on board in relation to public education. So it is worth noting that four of the five Dunne children have attended or do attend government schools and I have not been stinting in my praises. So I suppose I should ask him whether he will now commit ritual harakiri. Instead, I will ask about school closures.

Minister, the Mt Neighbour, Taylor and Urambi primary schools clustered in Kambah and Charnwood, Flynn and Mt Rogers schools clustered in north-west Belconnen have all been identified as having low enrolments. Given your emphasis on numbers of empty desks—that seems to be the only emphasis—will you rule out closing all three of the schools in these two clusters in your program, which you now unfortunately call the hit list of school closures?

MR BARR: Mr Speaker, I must correct Mrs Dunne. Again, there is no hit list of schools. I said there is no hit list and there is not a hit list of schools. I will return to the point I made in response to Mrs Burke's question. We will need to address the provision of

education at the primary, secondary and college level across all regions in the territory. It is inevitable as demographics change and the number of enrolments in particular parts of the city change that the provision of educational facilities will need to change. There will, for example, be a requirement for additional schools in Gungahlin. In other parts of Canberra there will be a requirement to change the current configuration of schooling. But the fundamental point that I make and that I will continue to make is that what we need to achieve is the highest possible educational quality across the system, and the current arrangements are working against that.

As I alluded to yesterday, the cost of educating a primary school student in a school that is operating at capacity is on average \$8,000 per annum.

Mr Smyth: Table the document. Table the proof.

MR BARR: I am referring just to notes. This is the advice that I have from the education department. That cost rises to \$18,000 per annum in a school operating with fewer than 100 students. Any minister, in making decisions for the future and in looking forward to where the public education system needs to be in five, 10, 15 years time, would have to take account of those realities. But we also need—and I am very conscious of this—to engage fully with all of the affected communities in any process of change.

As I alluded to in my inaugural speech, this city cannot stay as it was in the 1970s. There is a requirement, as demographics change and as the city changes, for us to make changes in the provision of education. I welcome anyone who is prepared to engage constructively in this debate and anyone who brings goodwill and good heart towards seeing the strongest public education system in this territory. I will engage fully with anyone who wishes to undertake such a process. But if all it is going to be is a game of hit lists and a game of trying to undermine the new minister then I am not going to participate. But if you are genuine, Mrs Dunne, in your desire to see public education in those areas move ahead, I will welcome your involvement and I will be happy to engage with you.

MRS DUNNE: Mr Speaker, I ask a supplementary question. Minister, in the spirit of engagement and involvement, will you table for the information of the Assembly the workings behind the advice that you have given on a couple occasions now about the costs of small schools?

MR BARR: During the process that we will be undertaking in the months ahead I absolutely undertake to make public all of the information on which decisions are based. I have no problems with that at all. It will be a public process.

Mrs Dunne: Will you table it today?

MR BARR: I may not be in a position to. I will not commit my office or the department at this point. All I have are my own notes that I typed myself. I have read them out, so perhaps that is not going to be particularly useful to you. It is already in the *Hansard*.

I will undertake throughout this process to engage publicly and openly. I believe the community deserves no less. I am sure that were I not to be open in this process, you lot, Dr Foskey and many others would be at me, and quite rightly would be at me, for not

disclosing the full information. That is fair and reasonable and that is exactly what I will be doing. I believe that if we are to genuinely engage in a debate about the future of public education, it needs to be done in an open and transparent way. We need to address the fundamental issues that the system faces at the moment, and that is that there is not equity across the system, nor is there the highest possible quality outcome for students that we can deliver. I believe we can deliver better, and I am seeking to achieve that.

Budget

MR GENTLEMAN: My question is to the Chief Minister and Treasurer. Chief Minister, yesterday the *Canberra Times* reported a claim by the opposition leader that the territory faced the prospect of a budget blow-out to a deficit of \$390 million in 2008-09. Is that in fact the case?

MR STANHOPE: I thank Mr Gentleman for the question. It is an important question because of the levels of anxiety that the allegations of the Leader of the Opposition, the deputy leader and the Liberal Party have caused and the extent to which the allegations were essentially based on rumour—Chinese whispers—completely unsubstantiated and, as it transpires, completely untrue. I must say today I do feel for the journalist who managed to get what he thought such a scoop on the front page, with the hysterical headline that led the story. In my eight years in this place I have observed from time to time the pups that have been sold to journalists around the place. But I do not think any bigger pup has ever been sold to a journalist than the one that the Leader of the Opposition delivered in this particular instance.

The essential allegation, as we know and have debated, was that the midyear outyear operating budget deficit for the year 2008-09 of \$16.8 million was set to explode to \$390 million. The mind boggles at a suggestion such as that—that a midyear review operating deficit of \$16.8 million would, in the space of three months, balloon to \$390 million. It is false; it is completely false. As I said yesterday, were I not in such a sensitive mood, I would have described the allegation rather more bluntly and colourfully but in a way that would have been inconsistent with the standing orders and the protocols of this place. But let us not be under any misapprehension: I used the polite description of “misleading, false, untrue”, but at its heart we all know what it was.

It reminds me, of course, of what I understand to be the first rule of politics within the Liberal Party—a rule book written, I understand, on the basis of advice from Idi Amin. It says: “Liberal Party rule book. Rule 1: if you’re going to tell a lie, tell a whopper.”

Mr Stefaniak interjecting—

MR STANHOPE: “Liberal Party rule 2: if you paint yourself into a corner and you decide to lie to get out of it, refer to rule 1.”

Mr Stefaniak interjecting—

Mrs Burke: I raise a point of order, Mr Speaker.

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

MR SPEAKER: I take your point of order seriously. Mr Stefaniak, be quiet. I couldn't hear him either.

Mrs Dunne: Could I ask that you ask the Chief Minister to withdraw the imputation that the Leader of the Opposition has lied. He used it twice in—

MR SPEAKER: Did you hear it?

Mrs Dunne: Yes, I did.

Mrs Burke: Yes, I did, too, and I was taking the point of order.

MR SPEAKER: Remarkable.

Mrs Dunne: He said, "If you lie, tell a whopper," and then went on to say, "If you lie again—

MR SPEAKER: I do not think there was an imputation that Mr Smyth had lied. I think it was colourful language.

MR STANHOPE: Mr Speaker, I will repeat what I said and you can determine or rule on whether or not it was inappropriate. What I said was that I understood that the Liberal Party in the ACT had adopted a political rule book based, I understood—and I said in jest—on advice received from Idi Amin, and it reads thus: "Liberal Party rule book. Rule 1: if you're going to tell a lie, tell a whopper. Rule 2: if you paint yourself into a corner and you decide to lie to get out of it, refer to rule 1." There is no imputation. If the opposition, in immediately jumping to their feet and demanding retractions, feel that in some way this impugned the Leader of the Opposition, it seems to me that they have drawn conclusions that perhaps the evidence demands but which I did not draw. One is interested in the alacrity with which Mr Smyth's colleagues jumped to their feet to suggest that this was obviously impugning him, because, of course, I did no such thing. But it needs to be said that this is just the greatest outrage. The way in which this particular completely untrue allegation has been made and reported really is a very, very sorry story.

I will conclude on this point: a number of the people at that particular briefing have, of their own volition, contacted my office; others that were at the meeting have been contacted by my office. Not a single one will admit that they spoke to the Leader of the Opposition. Not a single one of them confirms the Leader of the Opposition's allegations in relation to this meeting. When this matter is concluded, I think it may need to be revisited in this place.

MR GENTLEMAN: I have a supplementary question. Chief Minister, how is it that the opposition leader could possibly come up with such a figure?

MR STANHOPE: The Leader of the Opposition came up with this number. There is only one explanation left. The only explanation of how it was that the Leader of the Opposition came up with this appalling allegation, this completely untrue suggestion, is that he uses the Liberal Party rulebook on issues such as this.

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

Personal explanation

MR STEFANIAK (Ginninderra): I seek leave to make a personal explanation under standing order 46.

Leave granted.

MR STEFANIAK: I thank the Assembly. Mr Corbell, in answer to my question on the police force, made a comment about 571.7 sworn police. The annual report for 2004-05 states that we had a total of 571.7 sworn male and female police officers as at the final payday for the financial year 2004-05.

Members interjecting—

MR SPEAKER: Order, everybody! Mr Barr, quiet please. Mr Stefaniak, that is not a personal explanation. What is the personal relationship there?

MR STEFANIAK: He indicated that I gave the wrong figure, and I did not. I referred to a report. I am simply quoting from the report. I am happy to table that, Mr Speaker, if you want.

MR SPEAKER: You will need leave to table it.

MR STEFANIAK: I seek leave to table that page from the 2004-05 annual report.

Leave granted.

MR STEFANIAK: I present the following paper:

Police numbers—Extract from the 2004-2005 annual report of the Australian Federal Police.

Supplementary answer to question without notice Disability services—accommodation

MS GALLAGHER: Yesterday Mrs Burke asked me a question about disability group homes. I can advise the Assembly that currently there are five vacancies in Disability ACT group houses. Two have been maintained to accommodate flexibility, emergency and/or crisis situations that occur within the individual support services. Disability ACT is currently filling the remaining three vacancies by using the current established guidelines.

2004 election Statement by member

DR FOSKEY (Molonglo): I seek leave to make a statement concerning the Greens vote at the 2004 election.

Leave not granted.

Standing orders—suspension

DR FOSKEY (Molonglo) (3.31): I move:

That so much of the standing orders be suspended as would prevent Dr Foskey from making a statement concerning the Greens vote at the 2004 election.

The reason that I am doing this, to the annoyance of certain people in the house, is that Mr Corbell clearly does not know and did not deliver the right information prior to the luncheon suspension. I wish to correct that.

Members interjecting—

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3.32): The government is quite happy for Dr Foskey to make—

MR SPEAKER: I assumed that you had finished speaking.

Dr Foskey: I think it goes without saying that I would like the record to carry the true information.

MR CORBELL: Dr Foskey knows the norms of the house. If she feels that I have behaved in some way inappropriately she can move a substantive motion. Alternatively, she is quite welcome to raise these issues in the adjournment debate or table a document. But if she wants to make a statement she can do it in the adjournment debate. We have other business that we need to proceed with now. I know the issue has hit home, Dr Foskey, but that is not a reason to take up time at this moment. There are other avenues open to you. That is why the government will not support the suspension of standing orders.

MRS DUNNE (Ginninderra) (3.33): This is another important issue about the courtesy and norms that have been established in this place. I understand that the Assembly is paying good money to write a Legislative Assembly practice. At the time we are writing a Legislative Assembly practice so that we do not have to rely on the practice of other assemblies, we are throwing out the practice that has been established over the history of this place.

This is a continuation of what happened this morning; it is the bullies in charge of the playground. They will not grant leave because it is inconvenient. The norms of this place, the practice of this place and the courtesy of this place were that people were given leave to make statements. Dr Foskey asked for leave to make a statement, and it is the norm in this place that we give leave for short statements.

This is an entirely inappropriate commandeering of the courtesies of this place. Dr Foskey should be granted the courtesies that we have always afforded people in this place. It is because of the narrow-mindedness of the leader of the house that this is

happening. If we had not had to spend our time suspending standing orders, Dr Foskey by now would have made her statement—it would have been all over, red rover—and we could have gone on with the important business of the day that the Chief Minister says that we have. Because there is a lack of courtesy, we spend more and more time debating the suspension of standing orders than debating the great moments of import today, like how the ACT Stanhope government can rort the estimates process.

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

Auditor-General's report No 2 of 2006

Mr Speaker presented the following paper:

Auditor-General Act—Auditor-General's report No 2/2006—public housing, dated 3 May 2006.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3.32): I ask for leave to move a motion to authorise publication of Auditor-General's report No 2 of 2006.

Leave granted.

MR CORBELL: I move:

That the Assembly authorises the publication of the Auditor-General's report No 2/2006.

Question resolved in the affirmative.

Land (Planning and Environment) Act—leases Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): For the information of members, I present the following paper:

Land (Planning and Environment) Act, pursuant to section 216A—schedules—leases granted, together with lease variations and change of use charges for the period 1 January to 31 March 2006.

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

Leave granted.

MR CORBELL: Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislation Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I have tabled covers leases granted for the period 1 January 2006 to 31 March 2006.

During the quarter, 14 leases were issued by direct grant. Of these, one was granted using disallowable instrument 228 of 1997 (DI1997-228) which has since been revoked and replaced by disallowable instrument 220 of 2003 (DI2003-220). The lease was granted over block 21, section 2, Page to Ridgecrest Village Pty Ltd on 10 March 2006 to provide 22 adaptable dwellings. Occupancy is restricted to persons aged 55 years or over and companions aged 45 years or over.

I have also tabled two other schedules relating to approved lease variations and change of use charge payments received for the same period.

Papers

Mr Speaker presented the following paper:

Quarterly travel report—non-executive MLAs—1 January to 31 March 2006.

Mr Corbell presented the following paper:

University of Canberra Act, pursuant to section 36—University of Canberra—annual report—2005—including financial statements, dated April 2006.

Review of ownership agreements

Ministerial statement

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): I ask for leave to make a ministerial statement concerning a review of ownership agreements.

Leave not granted.

Standing orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3. 41): I move:

That so much of the standing orders be suspended as would prevent order of the day, Assembly business, relating to the appointment of a Select Committee on Estimates 2006-2007, being called on forthwith.

This motion simply asks members to proceed with the debate on the item which we were debating this morning and which was interrupted by the lunch break and question time.

Question resolved in the affirmative.

Estimates 2006-2007—Select Committee Establishment

Debate resumed.

MR STEFANIAK (Ginninderra) (3.41): Whilst the opposition has great sympathy for and great understanding of Dr Foskey moving this amendment, we can see exactly why she has. It is probably out of a sense of great frustration. Unlike those opposite, we believe there should be standards, procedures and sensible traditions in this place that have served us well until now. As Mrs Dunne might have alluded to earlier in this debate, the tradition is—and this is something we agreed to last year as an opposition, as a party—that the chair of the estimates committee should go to the actual opposition. That is something we stick by.

Whilst today I have great sympathy for what Dr Foskey is proposing because of the absolute farce that Mr Corbell and the government have foisted upon this house, we will not be voting for the amendment. We will not, with some regret. Principle is important. The principle is that, traditionally in this place, the opposition chairs an estimates committee. The estimates committee, apart from the one occasion I mentioned, also usually has a majority of members who are not from the government. The government can prevaricate and try to justify its position as much as it likes, but the fact is that there are more non-executive members here than there are government members.

There have been loose coalitions in this place in the past. Even then, when we had a majority Alliance government—I cannot quite recall what the make-up was there—we have always had estimates committees chaired by someone from the opposition. That is a tradition that we will continue if we happen, with the way you are going, to win nine or 10 seats at the next election. One of you lot will be chair of the estimates committee because that is how it should be.

I am very concerned, I must say, as one of the longest serving members of this house, to see how some of the estimates committees are going. I suspect that, if last year is anything to go by, the six members on the estimates committee will be the ones asking questions. It was very difficult getting a word in edgeways last year, which again is a breach of the traditions of the house in the past, until this Sixth Assembly. In fact, members of the opposition who had portfolio responsibilities could ask questions. They would get a run and be able to ask a number of questions. It was very difficult indeed on some occasions last year. On a couple of my areas I was not able to ask a question. It is not quite the same as putting something on notice. That is not a particularly good development either.

There should be full, open and detailed scrutiny of the government's budget. If your budget is so bad that you are afraid of scrutiny, that really is your problem. It is important that the traditions we have developed in this place—and they are good

traditions, on the whole—be maintained. That is certainly something the opposition intend to do whenever we regain the government benches.

It does not matter that all of a sudden we have majority government; so let us behave like spoilt children and try to ensure that we get to pick up all the goodies and ramrod through what we want to go through on committees such as the estimates committee. That is not what it is all about. It is not what good government is all about. It is probably going to come back and bite you. You probably think you are very smart doing it now. But rather than having it benefit you, I am sure that the people of Canberra will be able to see through it.

This is a small place; it is pretty hard to keep thing secret. Truth will come out. If there are things you have done or your administration has done which have led to monumental stuff-ups, then they will come out, no matter how you might try to cover up. No matter how you might try to truncate a proper estimates process, what we have done in the past has been done very, very well, save for that disturbing element coming in last year, when non-committee members were highly restricted in their ability to ask questions.

The two amendments Mr Corbell has put on the table today are a very, very sad development. Whilst we have great respect for what Dr Foskey is trying to achieve here—and I can appreciate her frustration—it is felt most acutely by the opposition. You should all be ashamed of yourselves. We will not be supporting her amendment.

Unlike you lot, when we are in government, one of you can chair the estimates committee, because that is how it should be; that is a tradition we have established in this place. It is a tradition that has served us well. It has not particularly affected, I must say, the way the estimates committee is run—in fact, it has probably helped it—and it has not been particularly detrimental to the government of the day. You are going to stand or fall on the quality of your administration and the work you do, how good your budget is and how well you manage the economy of the ACT. The estimates committee is merely a process whereby proper scrutiny can be had. It appears you lot are going hell for leather in hiding behind that.

Mr Corbell's amendment is a very unfortunate one. I have made my point on what we will be doing with Dr Foskey's amendment. We sympathise with her, even though we will be giving it due process.

Amendment negatived.

Mr Smyth: On a point of order, Mr Speaker: earlier this morning Mrs Dunne asked whether Mr Corbell's amendment is inconsistent with standing order 225 of the Assembly. Mr Corbell's case was that paragraph (5) of my motion allows things that are inconsistent with the standing orders. At this stage my motion has not passed. Therefore, the application of it is inappropriate in this case. He was putting that it is the standard format in all of these motions.

Paragraph (4) is out of order, as committees normally report to the house and not to the Speaker. It also overrides the interest of the public accounts committee. With that advice, and having consulted *House of Representatives Practice* and *Odgers*, I ask you to now rule Mr Corbell's amendment out of order.

MR SPEAKER: Could you repeat that?

Mr Smyth: Earlier, Mrs Dunne raised a point of order as to whether or not Mr Corbell's amendment No 1 was out of order in that it was inconsistent with standing order 225. In the debate, Mr Corbell said that, because of paragraph (5) of my motion, this could occur. My motion has not passed yet. Until it passes it cannot be applied. Therefore, the standing orders, as they stand, apply. Paragraph (5) of my motion authorises and allows paragraph (4).

Paragraph (4) does two things. Firstly, it allows the committee to send its report to the Speaker, whereas normally committees of this place respond to the house. Secondly, it allows the overriding of the interest of the public accounts committee, which is normally charged with the scrutiny of the accounts and the finances of the territory. Given that it has not passed, Mr Corbell's argument is flawed. We have checked with sources like *Odgers* and sought advice on this. I would like you to take into account what I have just said and now rule Mr Corbell's amendment out of order.

MR SPEAKER: I heard what you said, but there is another factor that I need to consider. The motion does not overturn, even if amended, standing order 225 because the committee will still elect a presiding member and a deputy presiding member, but they are being instructed by the Assembly to ensure that presiding member is a government member.

Mr Smyth: Except the charge of the committee is to elect its own presiding member. You cannot direct the committee to do something that the committee does not want to do or cannot be carried by voting in normal circumstances. I believe that Mr Corbell's amendment is inconsistent with the standing orders and should be ruled out of order.

Mr Corbell: On the point of order, Mr Speaker: it is well accepted in this place that the Assembly itself, by resolution, can determine how committees conduct their business. Mr Speaker, as you have rightly indicated, as long as the committee elects a chairperson and a deputy chairperson, then there is no contradiction of the standing orders. The Assembly is entirely within its power to assert who should chair a committee. The standing orders require that a chairperson and a deputy chairperson be elected; nothing more and nothing less than that. My amendment does not in any way conflict with the standing orders and is entirely consistent with the position, well accepted in this place, that the Assembly is a higher power than the committee when it comes to determining the business of a committee.

MR SPEAKER: I also take the view that it is entirely up to this Assembly whether it wants one of the standing orders to apply or not. At any time this Assembly can suspend the operation of a standing order.

Mr Seselja: The question is whether or not standing orders need to be suspended here. The wording of this amendment does not say that the chair is going to be elected by the committee. It just says the committee chair shall be a government member. It does not go to an election. In that case the standing orders still apply. The Assembly can do whatever it likes provided it suspends the standing orders in the proper way. I do not think that has been done.

MR SPEAKER: Let me conclude this way: I take the view that a motion that comes before the house which seeks to override one of the standing orders is an option available to this house. It occurs frequently that this house suspends its standing orders to deal with matters which may well be in conflict with a particular matter which is set out in the standing orders. So it is open to this house to change the standing orders at will and order to suspend them as it wishes.

Although you argue that the effect of this is to suspend the standing order, the motion does not seek to suspend the standing orders. It just says that the committee will ensure that the position is held by a government member. That is the direction which is being sent to the committee by the Assembly. So I am not going to rule the amendment out of order. I do not think I can.

Mr Smyth: Mr Speaker, you might address how it explicitly changes the standing orders.

MR SPEAKER: I do not have to address that. I do not have to address that because it is not my decision; it is the decision of the house. The house is making a decision that the committee chair shall be held by a government member. It is open to the house to make that decision.

Mrs Burke: On that matter: under *Senate Practice*, does it not say, though, before the start of business—ergo, once the committee has been established by the parliament—that before the start of business in the committee that process that you have just talked about should happen?

MR SPEAKER: That would still happen.

Mrs Burke: But we decide on that matter in here, sir.

MR SPEAKER: We are giving strong guidance to the committee. We should end the matter there. That is the way that I rule.

Dissent from ruling

MR SMYTH (Brindabella—Leader of the Opposition) (3.55): Mr Speaker, I seek leave to move dissent from your ruling.

Leave granted.

MR SMYTH: I move:

That the Speaker's ruling be dissented from.

Standing order 225 is quite clear. It says:

Every committee, before proceeding to other business, shall elect a Presiding Member and a Deputy Presiding Member.

It is the committee that has to do that work. Mr Corbell's amendment is an attempt to override that process. If he wants to override the standing orders, then he cannot do so on the basis that we can override the standing orders, because paragraph (5) of my motion would do that for him. He quoted it back to me. I will read it:

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

The motion is not in effect. We are moving something, using the motion to give it effect, and that is inconsistent with the standing orders.

Mr Corbell has put forward an amendment to my motion that directs the committee to do something. I believe that that is inconsistent with standing order 225. To accommodate his amendment to my motion, Mr Corbell quotes my motion. He is saying, "If we pass the law that allows me to use the law, I will use the law to amend the law before we pass it." That is inconsistent with the standing orders. That is the problem. If he really wants to take democracy into the pocket of the Labor Party, he can move his own motion and direct the committee to elect a Labor chair, but he cannot use a motion that has not been passed to direct the committee to do something they cannot do until the actual motion is passed. It is illogical, it is inconsistent, and it is in breach of the standing orders.

Paragraph (5) of my motion says, and I will read again:

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

But we have not passed it. So it does not have effect. If he wants it to have effect, then he needs to move his own motion. Why is paragraph (5) there? Paragraph (5) appears there every year, and it appears there every year to authorise the activities of the committee as outlined in paragraph (4). What does paragraph (4) say? It says:

if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation ...

That is what it seeks to do. Paragraph (5) of my motion overrides the interests of the public accounts committee. The public accounts committee, as a standing committee of this Assembly, has the duty, as set by the Assembly, to look into, inquire into and undertake inquiry into the finances and the budgeting of the government. When we set up the estimates committee it is for the specific purpose of looking at the budget. In that context, it overrides the rights of the pack. That is what paragraphs (4) and (5) of my motion do.

But my motion has not passed; so it is a furphy to say, "Based on paragraph (5), we will move Mr Corbell's amendment." That was the basis of Mr Corbell moving his amendment. He quoted my paragraph (5). He cannot quote my paragraph (5) to give effect to something that has not occurred. That is where it is inconsistent.

If Mr Corbell wants to override standing order 225, then he should suspend standing order 225. He cannot amend this motion and use this motion to give effect to his amendment. This is where it is illogical. The amendment really offends standing order 225. Paragraph (5) does not authorise the amendment because the motion has not passed. It is used regularly, it is used annually, because we need to authorise paragraph (4) which is inconsistent with the standing orders. That is the basis of the argument.

We have sought advice. *Odgers* will support exactly what I have said. In that case, Mr Speaker, you should rule the amendment out of order.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (4.00): Mr Speaker, your ruling is consistent with practice in this place. Practice in this place has always held that the Assembly as a whole can choose to make decisions which are contrary to the standing orders for the purposes of conducting its business or for the purposes of conducting the business of a committee. It is as simple as that, Mr Speaker, and your ruling is quite consistent.

We do not need to rely upon paragraph (5) of Mr Smyth's motion. We do not need to rely on it because practice in this place has always provided for the Assembly to be the master of its own destiny and to be the master of how it chooses to conduct its business both in the Assembly as a whole and in its committees. The committees are creatures of the Assembly; they are not separate entities; they do not operate separately from the Assembly—

Mr Stanhope: They are subservient.

MR CORBELL: They are subservient, as the Chief Minister quite rightly points out, to this chamber. The chamber itself can determine how those committees conduct their business. Mr Speaker, I do not, and clearly you do not, see any challenge to standing order 225. Standing order 225 does not conflict with my proposed paragraph (4A). The reason for that is that standing order 225 provides that there shall be an election conducted by the committee of a presiding member and a deputy presiding member.

The amendment that I have proposed does not propose anything different. It simply indicates to the committee that the wish of the Assembly is that that election shall be of a government member. That is what the amendment means. That is in and of itself consistent with *House of Representatives Practice*, which provides for the election of committee chairs to take place from a field of government members. *House of Representatives Practice* itself provides—

Opposition members interjecting—

MR CORBELL: I heard Mr Smyth in silence on dissent from your ruling, Mr Speaker, and I ask that opposition members do the same. I repeat: *House of Representatives Practice* provides for the election of a chair of a committee to be conducted from a field of government members. I am not proposing today that the Assembly as a whole elect that person. I am indicating that the committee should elect a government member to that role. That is consistent with *House of Representatives Practice*. It is consistent with the

practice in this place that the Assembly is the master of its own destiny. It is consistent with the philosophy we all abide by that Assembly committees are creatures of this place. For all of those reasons, Mr Speaker, your ruling should be upheld.

MRS DUNNE (Molonglo) (4.04): We have got ourselves into very muddy waters here today. It is not lightly that the opposition moves dissent from the Speaker's ruling. It is something that we do after careful consideration. The whole extent of how far into muddy waters we are is apparent in the inconsistent messages that are coming from the Manager of Government Business and you, sir, and the things that have been said here. You said just prior to Mr Smyth moving dissent from your ruling that you thought that the Assembly was giving very strong advice to the committee. But Mr Corbell, the Manager of Government Business, says that the Assembly is giving a direction to the committee. Mr Corbell's statement that he proposes, by his amendment, to give direction to the committee is a complete departure from the practice of this place. He started his very feeble defence of the position by saying that your ruling was consistent with the practice in this place.

Never before in the history of this place—and I stand to be corrected—has there been a decision where the Assembly has directed in any way, shape or form who should take up the chairmanship of a committee. No-one has ever done that. Probably the closest we ever came was last year in this place, when this opposition took a very principled position about who should take up the chairmanship of the estimates committee, when we said:

- (1) notwithstanding the ... makeup of any Legislative Assembly, we will always ensure proper scrutiny of any executive business by Assembly committees;
- (2) specifically the Liberal Party will not flout the standing orders or disregard parliamentary practice to avoid scrutiny of major business, especially budgets;
- (3) committees should always reflect the makeup of the Legislative Assembly; and
- (4) the Leader of the Opposition's nominee should always chair a select committee on estimates

That is the closest we have ever come to making any sort of statement in this place about who should take up the chairmanship of a committee. That was a principle position taken, but it was not a motion in this place. It was a notification of the views of the opposition. What we have here today is not a practice consistent with this place. It is a complete departure from every practice that has been conducted in this place since May 1989, when this Assembly was first formed. This has never happened before. This is not a proper process.

Mr Corbell has again got himself caught up in the thing, because Mr Corbell has contradicted himself. When I raised this issue this morning he said that it was consistent because we were using paragraph (5) to suspend standing orders. Now, in his justification for your ruling, Mr Speaker, he has said the complete opposite. If Mr Corbell wants to suspend standing orders to foist upon the estimates committee of this place directions about the chairmanship, let him have the guts to suspend standing orders specifically to do that. Let us not attach it to the motion that does not exist yet.

The motion, as Mr Smyth rightly said, does not exist yet. He is using an opportunity to play fast and loose with the standing orders and the practice of this place.

Mr Smyth rightly said that Mr Corbell is using the standing orders to, almost retrospectively, make his position and his amendment valid when his amendment is invalid. It does not comply with the standing orders. If he wishes to move this motion he should have suspended the standing orders to do so. I would welcome his attempt to suspend standing orders to do so.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (4.09): Mr Speaker, I disagree with the opposition that your ruling should be dissented from. All we are seeing here at the moment is the opposition running exactly the same argument they have run all day; they have not put any substance to their objection to your ruling at all. Let us look at the actual bits that are salient to this issue. Standing order 225 says:

Every committee, before proceeding to other business, shall elect a Presiding Member and a Deputy Presiding Member.

It does not say from whom. Mr Corbell's motion delineates the will of the Assembly about the criteria to nominate. The Assembly itself, through the passage of a vote, will determine which members will do that. This is a legitimate thing to be put before the Assembly. It is an opportunity for the Assembly to express its will. Mr Smyth is seeking, through dissenting from your ruling, Mr Speaker, to deny the Assembly, this forum, an opportunity to express its view.

I also point out to members that, in the absence of other things, we follow *House of Representatives Practice*, which we have seen thrown across the chamber like a brick. Page 639 of *House of Representatives Practice*—I will hold it up for those people who did not see it; it is the green book—under the headings of “Chair” and “election”, says:

Standing order 232(a) provides that: ‘Before the start of business, a committee shall elect a government member as its Chair.’

Mr Smyth: That's their standing order. Our standing order doesn't say that.

MR HARGREAVES: I draw the Leader of the Opposition's attention to comments I made earlier on in this particular debate when I quoted standing order 225, and now I am quoting standing order 232 (a) from *House of Representatives Practice*. The fact is that the standing orders are a reflection of the will of this Assembly. That is a reflection of the will of this Assembly. Mr Smyth's assertion that we should dissent from the opportunity for this chamber—

Mr Pratt: Nice try—fail. Every committee will elect its own president.

MR HARGREAVES: Well, when you are the deputy chairman, you can have a say. In the meantime, zips are very handy for not only the fly, you know. On the top end of your face, that bit under the nose, a big zip would be a good idea. You are floundering around like a trout. Have a look at *House of Representatives Practice*. It says:

Before the start of business, a committee shall elect a government member as its Chair.

Mr Pratt: You're wasting your time.

MR HARGREAVES: You are deaf as well. You are only talking loudly because you cannot hear yourself, you deaf twit—deaf, deaf. Further on, it says:

Some resolutions of appointment have provided that the Prime Minister 'nominate' or 'appoint' one of the government members of the committee as chair. The resolution of appointment of the Joint Standing Committee on the New Parliament House provided for the Speaker of the House of Representatives and the President of the Senate to be joint chairs of the committee.

We have already dealt with the joint chairs. Nothing that has been put forward by way of motion to this chamber today is inconsistent. Your ruling has to be upheld, Mr Speaker. We need to just get on and do this.

The standing orders, as I have said before, are a reflection of the will of this Assembly, and the motion that has been put before you by Mr Smyth is a further extension of that will, and the amendment put by Mr Corbell amends that motion to reflect the will of this Assembly. So, Mr Speaker, with respect, I think that we should treat this motion as a load of rot.

MRS BURKE (Molonglo) (4.13): I just want to take us back to page 631 of *House of Representatives Practice* and to our own standing orders relating to committees. Mr Corbell stands in this place as manager of government business to say that he, being the government, can override any decision of committees. But we have not done this in the past. I take it from my colleagues who have been here much longer than I have that Mr Corbell now is trying to set a precedent.

Today, we have had the manager of government business doing amendments on the run—and this is just another one. People are quoting this, and people are right: on standing order 232 (a), *House of Representatives Practice* begins with the words “before the start of business”. I remind you, Mr Speaker, that I am quoting from *House of Representatives Practice* under the heading of “Committees”. If we wanted to say standing orders for the Assembly, let us just do away with all the headings; let us forget the headings; let us not even bother. That is what Mr Corbell is dangerously doing in this place today—setting a precedent to say, “We can override anything that we want to override.”

That is the issue before us. Mr Corbell is quite right: the government can appoint their own chair. I am not arguing that. My issue is with the point before that: his motion and your ruling, sir, I believe fly in the face of what we are supposed to be doing in this place today, and that is to not go to the point of electing a chair or a deputy chair or whatever. That is the job of the committee, once the committee is established. I say again: at this point what is proposed has not been done in this chamber before; we are setting a dangerous precedent.

MR SMYTH (Brindabella—Leader of the Opposition) (4.15), in reply: I thank Mr Hargreaves for reading *House of Representatives Practice*, where it says quite clearly that standing order 232 provides: “Before the start of business, a committee shall elect a

government member as its Chair”. That is the House of Representatives practice; that is the House of Representatives standing order. Our standing order states:

Every committee, before proceeding to other business, shall elect a Presiding Member and a Deputy Presiding Member.

It does not say that has to be from the government—and this is the whole point, Mr Speaker.

Mr Corbell: It doesn't say that it can't be either.

MR SMYTH: Mr Corbell says the Assembly is bigger. Well, amend the standing order. That is the point.

Mr Corbell: You don't need to. The standing orders are silent on the matter. The Assembly can determine its own business.

MR SMYTH: It cannot be—

Members interjecting—

MR SPEAKER: Order! Mr Smyth is closing the debate.

MR SMYTH: Mr Speaker, standing order 225 says that the committee shall elect the presiding member; the committee shall have an election—and it is not an election if the outcome is determined before the election is held. Right? What we have here is the supreme soviet of the ACT: “Welcome, comrades. You can vote for anybody as long as it's one of us.” This is Das Kapital in the ACT. This is the sort of organisation Jon Stanhope runs: “You can vote for anyone as long as it is us, comrades. Welcome to the supreme soviet of the ACT.”

Soviet Russia for decades said that they were a democracy. Why were they a democracy? Because they held elections. But they were not fair elections. They breached the fundamental notion of election—that people are free to vote for whom they want. It is the basis of all real democracy. It is why the Soviet Union and communism failed—because they were not real elections. It was not a democracy. “You can vote for anyone as long as it is one of us.” Welcome to the supreme soviet of the ACT, Commissar Jon Stanhope in charge.

Mr Speaker, I believe dissention from your ruling should be moved, voted on and supported by this Assembly because Mr Corbell's original assertion is just wrong. If he wants this to go ahead, he should either amend the standing order as it sits or suspend standing orders and move the amendment to the standing order for the purpose of stopping a proper election of a committee chairman in the estimates committee.

This is terrible; this is absolutely terrible. First of all, they sack the committee and then they want to rig the election so that you can only vote for a certain candidate. That is the strength of their commitment to true democracy: “Let us not just nobble the committee. Let us nobble the whole concept of democracy in the ACT. Let's hark back.” It has come from Mr Corbell, the leader of the left, comrades. The comrades are in charge. Don't you

worry about that! There will be a little red star over there when we come in in the morning. The supreme soviet of the ACT has finally arrived—the workers paradise is here—because what we are doing is nobbling an election of the Assembly. We are nobbling the election of a committee chair of the Assembly, and I believe we are violating standing order 225.

Question put:

That the Speaker's ruling be dissented from.

The Assembly voted—

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

Question so resolved in the negative.

Estimates 2006-2007—Select Committee Establishment

Debate resumed.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

MR SMYTH (Brindabella—Leader of the Opposition) (4.22): I seek leave to move a further amendment to the motion. It is just procedural. The motion at paragraph 2 (c) says that nominations should be with the Speaker by 4.00 pm today. It is a simple amendment to change 4.00 pm to 5.00 pm today.

Leave granted.

MR SMYTH: I move:

Paragraph (2), omit "4 p.m.", substitute "5 p.m."

Question resolved in the affirmative.

MR SPEAKER: The question now is that Mr Smyth's motion, as amended, be agreed to.

MR SMYTH (Brindabella—Leader of the Opposition) (4.22): Mr Speaker, there is a question as to why the two amendments by the Labor Party have been moved today. The justification from Mr Corbell is: "Because we can. We are just asserting our right earned in the election. We have the numbers." So the question is: if you had the numbers, why didn't you do it last year? If this is to be the precedent in the way things operate, why wasn't it done last year? The answer is that last year their budget was not in such dire straits, and they were not so desperate to cover the failings that are about to be revealed in this budget, and they do not want the deep inquiry that a committee chaired by somebody other potentially than a member of the government could do. They do not want a committee where the government do not have the majority of numbers on the committee—and you have to again ask why.

Why didn't they do this last year when they had the numbers? Why didn't they do as Mr Corbell said: "We'll have three and you'll have two. We'll exclude the crossbenchers. But we're going to run it, we're going to chair it, we're going to control it." They did not do it last year because they wanted some sort of semblance of normality in the estimates committee. They wanted to show that, yes, they were fair and open minded but they were controlling it from behind.

This year, because of the state of the budget, they cannot afford that. They need total control. They want the chair, they want the votes. They do not want an estimates committee to scrutinise their activities—the ineptitude and the failings of the economic and budgetary management of the Chief Minister, Jon Stanhope, who has been asleep. He was alarmed when he found out the number of public servants. He was alarmed when he found out the budget was blown. And these amendments moved by Mr Corbell to my motion are the "Jon Stanhope, cover my butt amendments, because he isn't going to be there to clean up my mess in the future".

That is what people will see and that is what people will know. Already the word is out that Ted's betrayed the Labor Party; he has betrayed the government by going early. And what he has done is put the focus, put the spotlight, put the heat on the Chief Minister and Treasurer, who cannot add up, who has been asleep at the wheel, who as minister for public administration did not know how many public servants he had, did not know that it had grown by 2,000, was alarmed that it had grown by 2,000 and now is simply going to use public servants as a balancing item on his budget.

That is why we have had the amendments to my motion. What should have been a simple two-minute debate to set up the estimates committee, as it normally has been in this place for many years, has been turned into high farce. I initially thought that maybe they were doing this to force Ms MacDonald to go back on the committee again: first, they crush her cabinet ambitions and now they force her onto the committee with Mr Gentleman and Ms Porter. But maybe it is just that they need three Labor members to combat two Liberal members; maybe they are just not good.

But again it is a reflection of the calibre of the backbench over there. They were not ministers and now they have all got to go and do penance, which is being on the estimates committee to cover Jon Stanhope's ineptitude. Ms MacDonald said in the debate, "Oh, you didn't make my life easy." Well, perhaps that is a reflection on your abilities. That is all it is. Perhaps it is a reflection on your own ineptitude. At one end you're not a minister. You can almost smell the fear, Mr Speaker, of them being found out. You can almost smell the fear, and they are going to do everything—spray deodorant, air freshener, around—to make things look beaut, and they are going to control it. Welcome to the central soviet, the supreme soviet of the ACT.

We have had corruption of the committee system under this government. We have had the tossing out of tradition by this government. We have had many, many attempts to shut down appropriate scrutiny by this government. But are we dismayed? No, we are not. We will battle on. We will keep going. We will make sure that the public know exactly, despite all your denials, the state of your budget, as we have forecast for the last three years.

Ministers cannot scrutinise themselves, and the argument that "we have the numbers" falls down. Ministers cannot scrutinise themselves; they have responsibility for the money that is received. You cannot change the number of Labor members that can effectively be on this committee, from the standing orders—unless you want to amend the standing orders as well. "Let us get rid of a couple of the others. Why don't we get rid of 224? That is a good one. Let us get rid of 224, maybe get rid of 225 (a); let us just get rid of anything that we want to get rid of—because we can."

There is real potential here of not canvassing all of the issues. As we saw last year, when somebody starts to put the pressure on a minister the chair shuts it down. We have set up a system where votes may be tied three-three, but there is real potential that we might actually not get to the stage of electing a chair because, despite the amendment, you cannot make us vote for a Labor member. You cannot make me give my vote away that cheaply. You cannot force me to vote for somebody that I do not want to choose. That has been a valid argument from those facing the electoral commission for not voting in an election: that there was not someone on the ballot paper that represented their view.

MR SMYTH: So the real potential here is that you might not get a chair. There is a real potential that we will be hung on the issues.

Members interjecting—

MR SMYTH: There is a real potential that the report may be so pro-government and so biased that you might not get the committee to actually vote to deliver the report. What we have done is set up a farce. This is a farce in motion.

Members interjecting—

MR SMYTH: This is Mr Corbell's idea of democracy and justice. This is Mr Stanhope's idea of how to run the territory.

Opposition members interjecting—

MR SMYTH: This is the man who says he is guaranteeing human rights but then directs us on what we must do. Mr Speaker, is the budget really that bad? And the answer is yes, the budget is that bad.

MR SPEAKER: Mr Smyth, sit down, please, for a minute. Members, could you bring yourself to cease the interjections so that people who might be interested in the speech can listen?

Mr Stanhope: Nobody is.

Ms MacDonald: Not even his own members.

MR SPEAKER: That still does not warrant interjections.

MR SMYTH: Mr Speaker, thank you. The real danger here is that yet again the Labor Party will bring this Assembly into disrepute by the way they have gone about this and by what they have done today. What they do is bring undone all the hard work of the last 17 years to try and get people to take this place seriously. They say, “We’ve got the numbers; therefore we can do it.” I do not see anywhere in their platform a line that says, “We will stack the Assembly committee process.” I did not hear the election promise “we will make all of the committee chairs Labor.” I did not see anything in what they took to the election to, to the public, that said that they would shut down scrutiny.

This is a travesty of justice, Mr Speaker, and it is a travesty that the people of the ACT will come to understand. It just goes back to the point: if you were fair dinkum about this and you really thought this was the appropriate thing to do, you would have done it last year. This is what you would have set up for the life of your Assembly. But you did not. You at least tried to hold on to some vestige of fairness and openness and honesty, and at least appearance. But this year you cannot. This year they cannot because they know that they are facing monumental blow-outs.

There is an Auditor-General’s report that says that, if the spending of this government goes unfettered, the deficit may well end up being, I think, \$580 million. So perhaps the Auditor-General is wrong as well! But there is a stench, a smell—it is the fact that they have blown their budget and they are going to do anything; they will attack anyone. If anybody speaks out, they will be attacked. If anybody questions them, they will be attacked. It is the vindictive nature of an arrogant government—an arrogant Chief Minister who has attempted to hide his ineptitude, his poor financial management and his lack of management of his portfolio as minister for public administration.

We have to set up an estimates committee. We do not accept the amendments that have been made, and that is unfortunate. I commend this motion to the Assembly. Only time will tell how it works and how well it works—because it has been nobbled by this government.

Question resolved in the affirmative.

Motion, as amended, agreed to.

Budget—functional and strategic review

Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Burke, Mrs Dunne, Dr Foskey, Mr Pratt, Mr Seselja, Mr Smyth and Mr Stefaniak proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with standing order 79, I have determined that the matter proposed by Mrs Burke be submitted to the Assembly, namely:

The Functional and Strategic Review of Government Structures and Programs, also known as the Functional Review of the ACT Budget, and its effect on the ACT Government, business and community.

MRS BURKE (Molonglo) (4.32): Mr Speaker, the matter of public importance we are debating today is the functional and strategic review of government structures and programs, also known as the functional review of the ACT budget, and its effect on the ACT government, business and community.

I want to emphasise at this point that the correct name for the Costello review is the functional review of the ACT budget. I mention this because it is evident that a key focus of the Costello review has been on financial aggregates, with particular reference on expenditure. It is important to be clear about this, because there has been a deal of obfuscation about the role of the Costello review: there is no doubt that its prime focus has been on financial matters. Indeed, four of the five specific terms of reference for Mr Costello dealt with financial matters in the context of the ACT budget. Three of the terms instruct Mr Costello to examine the level of expenditure on programs and options for reducing spending.

Of course, we do not know what is in the report of the Costello review because, in the interests of “open and transparent” government, to use the Chief Minister’s own overworked phrase, Mr Stanhope has denied the community the opportunity to read what Mr Costello has said and to test what Mr Costello has concluded. He has maintained a surreptitious approach, in complete contrast to his colleague in New South Wales, Premier Iemma, who released the report of the audit of the New South Wales finances in February this year. Surely nothing could be as bad as the state of the New South Wales finances—or perhaps could it?

As we have emphasised over recent days, Mr Stanhope clearly became very concerned about the calls from across the community for the Costello report to be released. It is interesting to see that he is laughing now; he thinks it is very funny that the community are not going to be consulted, so I hope that they are listening to this or will read the *Hansard*. Indeed, Mr Stanhope became so concerned that he authorised Michael Costello to brief selected business leaders from the ACT community about the content of the report. In turn, he also authorised Michael Costello to brief certain senior ACT union officials about the content of the report. Of course, again not considering the interests of accountability, the Chief Minister has chosen the path of not facilitating—and refuses to do so—similar briefings to be given to representatives of the community sector in the ACT, nor to representatives of the broader union movement in the ACT.

Moreover, the opposition have become aware that some of the content of these briefings has suggested that the Stanhope government's budgetary dilemma is far more serious than had been anticipated. In fact, we understand that estimates of a budget deficit of \$190 million in the outyears could be expected and that this will be the outcome even with some drastic expenditure-cutting measures being implemented. He sits there laughing. The Chief Minister has denied these claims and continues to do so, as we have seen in his "Mr Cresote" regurgitating-style performances in the Assembly earlier this week. These denials appear somewhat hollow, however, as we also understand that the Chief Minister has told Mr Costello not to talk to anyone about what is in his report or about the nature of the deliberations that Mr Costello and his colleagues had with other parties. It is all a big secret.

This response from Mr Stanhope simply serves to confirm his hypocrisy, unfortunately. He claimed the moral high ground in the lead-up to the 2001 ACT election by asserting that he would operate an open and accountable government—the apparent moral high ground that was reinforced at the ACT ALP's conference last year—yet the reality is that, as soon as the Chief Minister has to face such a crucial test, he ducks.

I will put Mr Stanhope's stellar performance aside for a moment and turn to the performance of his government. The ACT community can now look at the period of the Stanhope era thus far and make a judgment of the performance of that government without there being any excuse that a problem is a legacy from any previous administration. We can see where the Stanhope government has come from, what it has done and where it is likely to go.

In particular, it is most important, following Mr Stanhope's decision to have a Costello review of the ACT budget, to see how the ACT budget has been performing. Jon Stanhope has had enough time now to be entirely responsible for his own budgetary failures without retreating into any excuses that his failures are due to decisions of a previous government. Anyone with a sense of history would recall that the Liberal opposition has been warning the Stanhope government about the budgetary decisions that have been made over the past three years—some of these pet projects, for example. Of course, the Stanhope government has not taken any notice of what has been said. Majority government in this Assembly proves the point, doesn't it, Mr Stanhope—although we sometimes wonder if former Treasurer Ted Quinlan might have found favour with some of our comments before he was overruled by his colleagues, clearly.

The reason I want to mention what we have said in recent years is that our views are now being confirmed. In our response to the 2004 budget, the Liberal opposition leader, Brendan Smyth, characterised the budget as a "budget of missed opportunity". Interestingly, this sentiment was reinforced the day following by the *Canberra Times*, in an excellent editorial titled "Budget misses opportunities". The Labor Party love to hear it when it is good, but are loath to listen when it is bad, so they might want to switch off now. The *Canberra Times* said: "The ACT Budget is probably a bit of a disappointment for anyone hoping for some leadership, inspiration or a public dividend from an economy essentially in good shape." In response to the 2005 budget, the Liberal opposition said:

... this budget was more than a horror budget; it was a budget of failure—failure that has characterised this government’s decisions and activities over the past three years or so.

In fact, the failures in simple terms were to have received a substantial windfall of revenue, of more than \$700 million, and to have spent that windfall without drought-proofing the ACT economy. “Spend, spend, spend. There goes the credit card. Off we go.” So, with the ACT budget in a parlous state despite the good fortune that has favoured the ACT, what has Jon Stanhope done about this dilemma? He has done three things that we are aware of. No 1: he said that he will stare down the budget deficit—a rather novel and untried strategy in Western democracies, I have to say, and perhaps more akin to the actions of Robert Mugabe in Zimbabwe. And Mugabe has decimated the Zimbabwe economy, let us not forget.

No 2: he has instituted a review of the ACT bureaucracy and budget. That is always a good strategy when you do not know what to do, and this government has been really good at commissioning reports. I do not know the words verbatim, but I do recall in 2001, sitting as a government backbencher, how the then opposition—now the government—sitting over here, banged on mercilessly about the amount of money the Carnell government spent on having reviews, consultations and so on. But I think this government have actually well topped that by now.

No 3: he has decided to centralise those functions that are already essentially centralised. That is novel—again, how to make it look like you are doing something when there is nothing to do. And, as we have now discovered, Mr Stanhope is going down the same route as did Rosemary Follett in the early 1990s in establishing a centralised shared services bureau—back to the good old days, I guess! And we all know that the Follett experiment failed.

Mr Hargreaves believes the Liberal opposition is incapable of running a country barbecue. That was said in the ACT Assembly on 4 May 2006. I am left baffled by such a statement after observing how the Stanhope government is incapable of balancing the books of the territory. Quite frankly, the decisions being made by Jon Stanhope now are reminiscent of a person who is not capable of containing rampant and out-of-control spending or indeed fostering control of the territory’s finances. An important question to ask is: how did the territory’s finances arrive at this sorry state of affairs? I recall a comment by the then shadow Treasurer Ted Quinlan in June 2001:

The ACT economy has enjoyed economic growth over the course of the last four or five years. ... economy has taken a battering ... but it has recovered ... we know that we have a bright future.

Of course, Ted Quinlan could not give credit where it was due. He said that the reason for this good performance was “large slices of good luck”—things that just fell out of the air. He just could not bring himself to acknowledge the soundness and superior performance of the former Liberal government. Then, early in the life of the Stanhope government—in fact in April 2002—we had some economic wisdom from the Chief Minister. In a speech to the ACT business community, he said, “There is no doubt we have the basics right for a healthy ACT economy.” Do you still believe that now?

Mr Stanhope: Absolutely.

MRS BURKE: You do—all right—no mention of good luck from the Chief Minister but, rather, an acknowledgment that the former Liberal government had left the ACT economy in a pretty good shape.

In summary, therefore, one has to look at the facts. One has to look at what we have before us. In 2001, the Stanhope government inherited an ACT economy that was performing very strongly and an ACT budget that was in an extremely sound position. In four years, despite a flood of revenue, the Stanhope government has managed to turn things around completely, in a style not differing much from what might be termed as authorising expenditure with the blessing of the “Ministry of Silly Walks”, and I think we all know that from Monty Python.

On a more serious note, we now have an ACT budget in deficit at a time when the Australian economy is performing soundly. The interesting thing here is that Mr Stanhope himself says how well things are doing: “Look at the cranes in the sky.” The ACT economy remains extremely buoyant and no other jurisdiction has budgeted for a deficit. The only conclusion is that the economic managers of the ACT economy, the Stanhope government, have shown no evidence now of grasping the principles by which an economy should be managed. This view of Mr Stanhope’s economic credentials is reinforced by his performance at a recent Housing Industry Association economic outlook conference in March 2006, when he stated as then Acting Treasurer:

Good luck rather than good management has saved Canberra from an even worse budgetary position than it is in.

Of all the utterances of our Chief Minister over the past four years or so, this one would have to be the most disturbing and scary pronouncement that he has ever made: “Good luck rather than good management has saved Canberra.” There we go. We have a Chief Minister who has the temerity to say that the only reason for a particular outcome for which he has responsibility is good luck rather than good management. Boy, this seems to me to represent a complete indictment of this Chief Minister’s credentials. Former federal Labor leader Bill Hayden’s drover’s dog presumably could have done just as well as Jon Stanhope in managing the ACT economy.

So where does this leave us now? Immediately after the Chief Minister had partially confirmed the savings he estimated would arise from his centralised corporate services model, we pointed out to him that his claim that these savings would return the ACT budget to surplus were absolute nonsense, that his government’s own estimates showed that the ACT budget would be in deficit for at least the next three years, and that savings of \$10 million each year were not enough to overcome deficits of \$100 million, \$57 million or \$17 million. Moreover, when he changed his tune to claim that the savings could be up to \$18 million in the outyears, this still did not achieve a surplus until 2008-09. Just a little bit of trouble with your numbers, Treasurer, I feel—and numbers that one would think you, as Treasurer, would have at the forefront of your mind. Perhaps your awareness is now heightened concerning these key numbers following the question you received yesterday on this very topic.

In closing, it is worth reflecting on just how the debate surrounding the steps taken by the Stanhope government to instigate, delegate and then deliberate on the findings from the functional review of the ACT budget has arisen. Any government of the day undertakes reviews as part of regularly assessing government priorities, pressures on government policy direction or simply to ensure that the operational side of government, including the public service sector, is in a sound position to maintain a responsive approach when dealing with executive directives.

A few years ago, the then ACT Treasurer, Ted Quinlan, commissioned a report, the economic white paper, and this was the paper to beat all papers. My understanding of the need for such a report was to provide a clear snapshot of the territory's economic position and how government is planning for our economic future, keeping in mind the need to expose strengths or competitive advantages yet also actively identifying the risks or vulnerabilities.

I certainly stand here today to support this matter of public importance—one that we will certainly keep playing on, one that we certainly will keep on talking about—because this government has no ability to handle finances whatsoever. The Assembly hopes, and I am sure, that evidence of a command of the numbers is forthcoming by 6 June, when the Treasurer brings down his first budget.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (4.47): I thank Mrs Burke for raising this matter. The strategic and functional review of the ACT public sector is a matter of public importance and should be discussed in the context in which it was commissioned.

The government's decisions arising from the functional review will be announced in the budget. The government will be reporting those decisions transparently and explaining them. There will be considerable information to inform both the Legislative Assembly and the community more generally about those decisions. Today, of course, is not the time to be debating or speculating on possible decisions, when the budget has not yet been completed.

However, the government does welcome the opportunity to discuss the ACT economy and the future challenges facing the budget because, while the functional and strategic review might be integral to the next ACT budget, it is also very much about the future—the future a decade from now, two decades from now or three decades from now. We need to look at the context within which the functional and strategic review was commissioned.

The review was commissioned in the context of significant demographic and technological change. It was commissioned in the context of the first majority government in the history of the Assembly, the first government with the capacity not only to identify the challenges confronting this community but also with the unfettered capacity to do something about those challenges. As I have said in this place before, others have seen the writing becoming clearer through the mist. No government has been in as good a position as this one to read that writing and to heed it. There is no better

time to respond to the challenges of the future than at a time when the economy is robust and confident and when the government is refreshed and ready for such a challenge.

The ACT economy is presently very strong. We have the strongest balance sheet in Australia. Unemployment is at a record low and investment is booming. Just a quick look around Civic shows the scale of activity in our city, with major developments at the Canberra Centre and the western side of the city. In 2004-05 the economy grew by three per cent. At 3.2 per cent the unemployment rate is the lowest in Australia. The employment opportunities in the territory are such that we are actively seeking people from elsewhere to take up these jobs. The territory has, as I just said, the strongest balance sheet in Australia.

With the economy in excellent condition, now is the ideal opportunity to be taking a longer-term stocktake of the ACT's situation and at the territory's capacity to deliver to the people of the ACT the world-class services to which they are entitled and which they have come to expect. In recent days there has been some sadly misinformed, at best mischievous, commentary on the state of the budget. I have to say there will be significant egg on more than a few faces come budget day.

The ACT government has a strong balance sheet and has the capacity to manage short-term deficits because of the surpluses recorded in recent years. However, it is true that the ACT faces significant longer term budget challenges. Other state governments face many of these challenges, particularly in relation to health. It is also true that the ACT has higher cost structures compared to other states—a situation that has persisted ever since self-government. Combined state and local expenditure per person in the territory is at least 20 per cent higher than the national average.

In the really vital areas of health and education, which consume about half of budgets here in the ACT, expenditures have traditionally been well above average. Recurrent expenditure per school student is about 17.4 per cent higher than average. Out-of-school expenditure is as much as 50 per cent above the national average. The growth in health expenditure necessary to redress the long neglect of Liberals cannot be sustained at its present rate indefinitely.

These trends are replicated across every area of expenditure. The legacy is a long one. It did not start with this government any more than the ageing of the population started with this government or the decline in the school age population began with this government or the increased demand for hip and knee replacements and cataract surgery began with this government. While the ACT economy and the government's balance sheet are strong, it is important that we look ahead to make sure that the budget is well placed to manage future pressures. This is exactly why the government commissioned the functional review. Good governments undertake such reviews from time to time.

We have to recognise that the ACT, like all other jurisdictions, faces emerging risks and pressures for services. Increasing health costs is one example. The drivers of this cost are partly ageing, which will worsen rapidly in the next 20 to 30 years in the second and third decades of this century, but, more particularly, the high costs associated with many new medical procedures and technologies, including the effect of these technologies on acute hospital bed days.

While the sociodemographic profile in the territory, with fewer smokers, fewer obese men and women and higher socioeconomic status, would suggest that our service needs should be relatively lower than average, expenditure on services has in fact been higher than average. Too often, I think, governments have been inclined to equate that higher expenditure with the admittedly excellent health, educational and other results we enjoy. The question is: can the correlation be made so simply?

Canberra has competitors for people in growth and the immediate region, as well as in other major cities of Australia. It is important that we maintain our competitiveness by setting the territory's finances on a sustainable footing and by creating the right environment for business to operate and grow. In the preamble to the terms of reference for the functional review, I said

Sound management requires that all government administrative arrangements and programs be reviewed periodically to ensure that they are effectively meeting their objectives. This also helps ensure that expenditure is targeted at high priority needs and the budget is balanced over time.

I am sure that nobody would argue with balancing budget and targeting expenditure to high priority needs. For the benefit of members, and so that we have a full understanding of its import, I will read out the terms of reference of the review. They are:

Having regard to agreed government priorities the strategic and functional review will:

review the outlook for the ACT budget and identify the major medium term fiscal risks;

undertake a high level benchmarking of government expenditure in the ACT relative to other jurisdictions in Australia, drawing on available data (including data published by the Commonwealth Grants Commission and the Steering Committee for the Review of Government Service Provision);

consider all major areas of government expenditure and identify programs that could be delivered more efficiently or could be scaled back to more effectively meet whole of government objectives;

identify options to improve efficiently through more effective structures for government operations;

make recommendations on specific options for reducing expenditures or increasing non-taxation revenues.

The terms of reference are about improving the effectiveness of the structures for government operations. They are about improving the efficiency of government programs, maintaining and improving services to the community and setting the territory's finances and services on a sustainable footing. If they are about this year and next year, they are particularly and specifically also about the future.

Any review that improves the efficiency and effectiveness of the public sector, its structures and its services will have benefits for business and the wider community. The

midyear review has forecast deterioration in the territory's operating result over the next few years. Like any fiscally responsible government, we will address this through the 2006-07 budget. In doing so we will, of course, draw on the recommendations of the review, just as we will also draw on detailed submissions that have been made to cabinet by each minister in relation to all aspects of the operation of his or her portfolio.

The government is committed to responsible financial management and maintaining the operating budget in balance over the economic cycle. We all know the logic of this. A balanced operating budget means that each generation of the ACT community pays for government services as they are delivered. Future generations will not be asked to pay interest and debts arising from past spending on services that were consumed by their forebears. This approach delivers intergenerational fairness.

We also know that a balanced operating budget also provides a sound foundation for the ACT to better manage any uncertainties and risks that may emerge in the future. But the old verities of the past are vanishing. As time passes the ACT budget becomes more exposed to fluctuations and risks. To give one example, we can no longer rely on land revenue as heavily as we did during our years of rapid population growth.

To deliver good outcomes for the Canberra community the ACT budget must be lodged upon the soundest possible footing to deal with any risks and to be insulated against the unexpected. I do not pretend that the decisions that must be taken will all be easy or pain free. They certainly will not be politically pain free. But I know, as does everyone in this chamber, that the ACT community will be the winner from the functional and strategic review and from the process of reform upon which the government has embarked, a process of reform that will be reflected in the 2006-07 budget when it is delivered by me on 6 June.

The ACT government has undertaken a major task of reform and review. It is the focus of the upcoming budget. To put in perspective the comments that I have just made, it needs to be understood that the decision to commission Mr Michael Costello and Mr Greg Smith to undertake the functional and strategic review was taken by me immediately post the passage of the 2005-06 budget.

My first approach to the department for the development of terms of reference and the first decisions in relation to the selection of two experienced and very eminent experts in Mr Michael Costello and Mr Greg Smith was made by September. The decisions were taken in October. The functional review commenced in November with a specific focus, as the terms of reference indicate, on this year and this budget. Those decisions were made well in advance of the committee review and well in advance of the midyear review process that delivered the predictions of, and information about, a deteriorating budget outlook.

The government's intention from the outset was very much about a strategic assessment of the efficiencies of the ACT government's systems and structures. This was always a review of the future. This was always a review to ensure sustainable levels of expenditure following an era of significant growth and expenditure, most particularly in that area of largest government expenditure, health. It is an area of expenditure that, by itself, accounts for 24 per cent of all territory expenditure.

I made the point yesterday that, in each of the previous four budgets, health expenditure has grown, on average, by just over 10 per cent a year. That additional growth of 40 per cent has taken the ACT health budget from \$460 million to somewhere in the order of \$700 million. That increase of over \$220 million in annual expenditure on health is a reflection of this government's determination to fill a range of gaps exposed in relation to health services.

The continuing and emerging level of expenditure, reflected in the health status of the community as a whole, and in particular, the ageing community, is a level that cannot be sustained indefinitely, in the medium term or, indeed, in the short term. In the light of the uncertain nature of some of the traditional sources of revenue upon which we have relied significantly, we as a community face difficult issues. We must grapple with increasing demand, expectation and costs.

We all know—and every government has acknowledged this since self-government—efficiencies must be sought in the provision of education within the territory. This has been an area of significant debate and interest within the Assembly, as indeed it has been in the community, and quite rightly so. It is an area of significant sensitivity. But, as every single member of this place knows absolutely, it is an area that has been neglected. Previous governments of both persuasions, for a range of reasons, have not grasped the issues. We must now, with real maturity and real intent, take the decisions and make the adjustments that need to be made within the delivery of public education. That is the purpose of the functional review. It is not only about the short term; it is about the future and the health of the territory.

MR SPEAKER: The minister's time has expired.

MR SMYTH (Brindabella—Leader of the Opposition) (5.02): Today, we are debating, as a matter of public importance, the functional and strategic review of government structures and programs, also known as the functional review of the ACT budget, and its effect on the ACT government, business and community.

As Mrs Burke mentioned, the correct name for the Costello review is the functional review of the ACT budget. Mr Costello was asked to examine a range of issues related to the ACT budget, and specifically to financial matters. Indeed, three of the five terms of reference required Mr Costello to examine the level of expenditure on programs and options for reducing spending. We can understand why if we look at the Auditor-General's *2004-05 Financial audits: report No 7/2005*. On page 31, the Auditor-General states:

Significant cash surpluses are not expected to be generated in the near future as the Territory's net cash inflows after meeting operating and capital activities are expected to remain negative for the next few years, before returning to positive levels in 2007-08 and 2008-09. The forecast return to positive net cash flows, however, will depend on the Government's ability to achieve a steady growth in net cash inflows from operating receipts and a substantial reduction in expenditure on capital activities.

Perhaps the most critical issue underlying this matter of public importance, however, is that the ACT community is being denied access to an important analysis of the

community's budget and the reasons why we have to go about this process of restoration. When we left office in October 2001, the budget was in surplus and there was cash in the bank. Inexplicably we are being denied access to the detailed review of the performance of the Stanhope government.

The hypocrisy of the Chief Minister is now well and truly on the table following his handling of the report from Mr Costello. Despite his cries of running an open and transparent government and all his protestations about being accountable, Jon Stanhope continues to refuse to release the Costello report. Unfortunately for the ACT community, a combination of his refusal to run an open and accountable government and the development of rumours about what is in the report has created considerable uncertainty and disquiet. The Costello report on the ACT community has created doubts, uncertainties and concerns about the future, which would not have been the case if the Costello report had been released.

The Chief Minister is not able to resolve any of these doubts, uncertainties or concerns because he refuses to release the vehicle that would do so. If he had the courage that he should have as Chief Minister of this territory—as Trevor Kaine had and as Morris Iemma has—he should be competent to engage the community in discussion and debate about the issues raised, and the recommendations made, in the Costello report. Unfortunately, Jon Stanhope fails that test of courage and leadership.

Instead, in a pathetic attempt to retrieve some leadership on the issue, he has attempted to draw the teeth of the sustained criticism from the community about the release of the Costello report by allowing Mr Costello to provide selective briefings to a small group of businesspeople and trade unionists. This exercise in sham consultation did nothing to allay the concerns of the community. On the contrary, the fact that Mr Costello told the truth to people at these briefings has resulted in the Chief Minister prohibiting Mr Costello from talking to anyone else about the report on the review of the ACT budget.

The inevitable release of information from those two briefings and the generation of rumours arising from the review are now increasing concern within the community. There are estimates of a budget deficit of \$190 million in the outyear. If that were not bad enough, we also understand that Mr Costello said that, unless substantial savings are made in health—and I acknowledge Mr Stanhope's comments about health—the prospective deficit would be much higher.

To add to the concerns, the conversion of the ACT budget to the government financial statistics, or GFS, means that any deficit in the outyears will be magnified as a result of the exclusion of such parameters as revenue from land sales and gains in the superannuation provision account from the outcome for the general government sector. Let us not unduly complicate the situation at the moment. I am sure the Chief Minister is grappling with current accounting standards, let alone government financial statistics. However, let us consider spending by this government in the health portfolio since it came to office. We will use the numbers in the existing budget papers.

What is the history of the Stanhope government's spending in the health portfolio? In 2002-03 the original budget was \$462 million. The outcome was \$515 million—a hike of \$53 million. In 2003-04 the original budget was \$468 million. The outcome was

\$565 million—a jump of \$97 million. In 2004-05 the original budget was \$561 million. The outcome was \$637 million—a jump of \$75 million. Mr Corbell is no longer the Minister for Health because he could not live within his means. He could not control his budget. At the same time, with an extra \$225 million above expectation, he still could not bring the waiting list down. Over the three years for which details are available, the Stanhope government has exceeded its budget estimates by a total of \$225 million. Let me repeat that. In just three years the Stanhope government has spent an aggregate of \$225 million more on health than was estimated in its first three budgets.

Now is not the time to debate health policy as such, although these numbers suggest that a robust debate is well in order. I understand that Mr Costello has told the government that, unless savings of around \$200 million are made in the outyears in the health portfolio, the ACT budget will potentially be in deficit by \$390 million. If the government saves \$200 million, it will bring the deficit down to \$190 million.

I am told that Mr Costello said that, in terms of GFS, the deficit would be \$360 million, possibly elevating to \$560 million. On page 44 of the government's own *2004-05 Mid Year Review*, which clearly the Chief Minister has not read, GFS net operating balance for 2008-09 is shown as \$332 million. The figures being quoted are not far off the mark. These numbers reveal the magnitude of the task facing the Stanhope government. But what does it mean for the ACT community? In three years the government has spent \$225 million more on health than was budgeted for. This represents an average overspend of \$75 million on health each year—an overspend of around 12 per cent in the health budget. This is a serious issue when we consider that the average CPI increase in health is six or seven per cent.

The Stanhope government has overspent its health budget by an average of 12 per cent, or \$75 million, each year to date. The Stanhope government has now received advice that it has to make substantial savings in the health budget of perhaps as much as \$200 million. At \$75 million times four, it is easy to see where the number comes from. The Stanhope government has to make some dramatic savings to the health budget if it is to even start bringing the ACT budget back into surplus.

Anyone with a sense of history will recall that in each of my three replies to the budget, I have placed on the table warnings about the Chief Minister's ineptitude and lack of control of the ACT budget. The sad reality of the ACT budget is that what I have said over the last three years is now confirmed. What has been the response of the Chief Minister, the Treasurer, to the position of the ACT budget? First and foremost, he decided to stare down the budget deficit. Secondly, he instituted a review of the ACT bureaucracy and budget. It is a case of being seen to be doing something—anything at all. As an outcome of that review, he has decided to repeat the folly of Rosemary Follett and propose the centralisation of some shared services.

At a time when the Australian economy is performing soundly, the ACT budget is in deficit. The ACT economy itself remains extremely buoyant. No other jurisdiction is budgeting for a deficit this financial year. The only conclusion is that the economic managers of the ACT economy, the Stanhope government, have no idea of the principles by which an economy should be managed.

The Chief Minister claimed that either a \$10 million or an \$18 million a year initiative would return the ACT budget to surplus. That is simply wrong. It shows the level of ineptitude of the current Treasurer—

MR TEMPORARY DEPUTY SPEAKER (Mr Gentleman): The member's time has expired.

MS MacDONALD (Brindabella) (5.12): The importance of the government's functional and strategic review is again emphasised by this matter of public importance brought forward by Mrs Burke today. Obviously we cannot discuss the details of the report or its recommendations. We dealt with this issue yesterday. The review is a strategic report for cabinet. The government's decisions will be made transparent in the budget and fully explained. We will be accountable for our decisions.

The ACT has a strong economy with low unemployment and considerable further growth prospects. It has excellent infrastructure, a well-educated work force and strong policy and research institutions. The ACT community is well served by high-quality public services and infrastructure. The ACT community has above average incomes and expectations of government. Compared with the other states, the ACT provides higher levels of service in nearly all sectors. The government strongly supports high standards in levels of public service in the ACT. It has ensured that programs receive the funding they need to deliver high service levels. The government has had to deal with a number of areas neglected by the previous government, including mental health, disability services and child protection. The government has also had to deal with the consequences of the 2003 bushfires.

This government has delivered operating surpluses while making those significant investments in services to the community. The ACT government has a AAA credit rating. It has maintained its very strong balance sheet, low debt and an excellent record of financial management. For this strategy to be sustainable over the longer term, it is essential that strong financial management policies be maintained. This is the context and the purpose of the review. This type of review is not new. Governments of all persuasions do them from time to time. They are very relevant in taking time out to assess the effectiveness of government arrangements and services.

The review's terms of reference were deliberately wide ranging to look deep into the ACT public service and government services provided by departments and agencies. The review's task was not limited in its intent and was designed to give cabinet the best information on the future directions for the territory. It was also to give first-hand, frank advice on the potential risks facing the government into the medium and longer terms.

The government called for the review to obtain independent expert advice on the challenges facing the economy, the best way to support business growth and to ensure that community services are being supported as cost-effectively as possible. This government was not afraid to receive frank and hard advice and will not back away from the changes needed to bring the territory into the next decade.

We have an excellent public service, and community expectations are high. The decisions in the budget will build on this expertise and expectations in a way that is

efficient and cost-effective. The government will, of course, explain to the community its decision on the review, and these decisions will be further explained through the 2006-07 budget.

MR TEMPORARY DEPUTY SPEAKER: The discussion is concluded.

Revenue Legislation Amendment Bill 2005 (No 2)

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

That this bill be agreed to in principle.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, and Minister for the Arts) (5.17): The Revenue Legislation Amendment Bill 2005 (No 2) amends the Duties Act, the Land Tax Act, the Rates Act and the Payroll Tax Act.

The bill amends those areas of the Duties Act relating to insurance duty and duty on motor vehicle registration. Provisions relating to insurance duty clarify which insurers are required to register with the Commissioner for ACT Revenue. There are two amendments to the provisions relating to duty on motor vehicle registration.

The first amendment demonstrates the government's commitment to supporting people with a disability. It introduces an exemption from duty on the cost of specific motor vehicle modifications made to accommodate the needs of people with a disability. This exemption applies to an owner with a disability who requires a vehicle to be modified in order to drive it. It also applies to an owner of a specifically modified vehicle used to transport a person with a disability. The definition of "person with a disability" in the Duties Act has been broadened and modernised to give effect to the proposal and to ensure consistency with the Commonwealth State Territory Disability Agreement. The second amendment applies to duty on the registration of new motor vehicles. The government has decided not to proceed with this amendment and will seek to remove the clause from the bill at the detail stage.

The bill also makes two amendments to the Payroll Tax Act. The first requires employers to register with the Commissioner for ACT Revenue when their wages paid or payable exceed the determined monthly payroll tax threshold. To reduce the compliance burden on employers who are already lodging returns, all current payroll taxpayers will be deemed to have registered from the commencement date of the provisions.

The second amendment to the Payroll Tax Act introduces an exemption for wages paid by group training organisations to trainees, including apprentices. It is restricted to wages paid to trainees by not-for-profit GTOs that provide training for trainees under approved trainee contracts and place these trainees with host employers.

As a revenue protection measure this bill amends the Rates Act and the Land Tax Act to augment existing provisions that allow the Commissioner for ACT Revenue to recover outstanding amounts of rates and land tax from long-term debtors. Under both acts the commissioner can apply to the courts for an order to sell a property for the non-payment of rates and land tax. The bill expands these provisions so that the commissioner may

recover rates and land tax debts owing on other properties held by the same owner, but only if the commissioner requests such payments in the application to the court.

In its scrutiny report No 19 of 21 November 2005 the Standing Committee on Legal Affairs commented on the question of whether the provisions that authorised the forced sale of a property of a tax defaulter are compatible with a person's right to property. The report indicates that the committee's concerns are already addressed within the proposed legislation. I agree with the committee's comments that draw the Assembly's attention to the human rights compatibility statement provided by me as Attorney-General confirming that the Revenue Legislation Amendment Bill 2005 (No 2) is consistent with the Human Rights Act 2004.

As noted by the committee, provisions already exist that allow the Commissioner for ACT Revenue to sell a parcel of land to recover outstanding tax debts that relate to that parcel. This power is reserved, to be exercised as a last resort where a taxpayer is either unwilling or unable to enter into an agreement with the commissioner to pay or defer the outstanding debt on the land.

The procedure to forcibly sell a property is a protracted process with a number of steps. This includes the notification on the legislation register of a notice of the tax in arrears and an application to a court of competent jurisdiction for an order for the sale of the property. At any time prior to the sale the tax defaulter is able to cease the process. All that is required to do this is to pay in full the outstanding rates and/or land tax, as well as any additional expenses incurred by the commissioner. This allows the tax defaulter every opportunity to prevent the sale, and therefore balances the demands of the general interest of the community and the protection of the individual's fundamental rights.

Currently the commissioner has the power to defer rates liabilities on application from certain ratepayers. The final provision of this bill extends this power. Where a ratepayer is unable to apply for a deferment due to unusual or exceptional circumstances, the commissioner may defer their rates and liability without an application from the ratepayer. This is to the ratepayer's benefit, as deferment incurs a relatively low rate of simple interest on the deferred amount as well as preventing arrears, notices and legal action to recover the debt.

I thank members for their contribution to this debate. I commend the Revenue Legislation Amendment Bill 2005 (No 2) to the Assembly.

Question resolved in the affirmative.

Bill agreed to.

Detail stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, and Minister for the Arts) (5.24): The government will be opposing clause 9, which seeks to apply duty on new motor vehicle registrations on the list price. The government has further discussed this proposal with the Motor Trades Association of the ACT. It has taken into account the views of the industry on this matter and has determined that it does warrant further consideration. The industry has highlighted issues that could negatively impact on motor vehicle dealers if the clause were to remain. We believe at this stage that it is appropriate to remove this clause at this time.

The way in which duty is calculated on new motor vehicles will therefore remain unchanged. It will continue to be calculated according to the market price of the vehicle at the time of purchase or the consideration paid for the vehicle, whichever is higher. I have asked officials to look further at this matter but at this stage the government's intention is that the status quo be retained.

MR SMYTH (Brindabella—Leader of the Opposition) (5.25): The opposition support the government's amendment to delete this clause, which proposed to base sales tax on motor vehicles on the list or asking price. As we pointed out in the debate on this bill last December, the idea has never made sense, and we expressed surprise that it slipped around the scrutiny of cabinet. The government's decision to omit the clause effectively achieves what the opposition were aiming for, so naturally we will support it. Therefore, I will not have to move the amendments that have been circulated in my name—the first one anyway. It is good to see that commonsense has one won the day and I commend the government for that.

However, it is interesting that the Chief Minister says that, following the concerns we raised, consultation was undertaken with the Motor Trades Association. This is just another example of the government not consulting before the game; they are dragged kicking and screaming to consultation, which obviously should have been done before the bill even got to this place.

We have a litany of failed revenue activities from this government. They have not done the work and they have had to back down. I will just read a few of them out for the edification of members. With the rating policy, the government proposed a complete change to the way in which general rates were determined in the ACT. The proposed policy, for which little analysis had been done—it just simply sounded like a good idea at the time—was defeated in the Assembly.

We had the bushfire tax. The government proposed to impose a fixed levy on all rateable properties for two years, raising \$10 million over the two years—a knee-jerk proposal that was abandoned as unnecessary. We had the infamous loan security duty. This policy would have imposed a duty on secured loans with a value of more than \$30. It only raised half a million dollars, and this proposal was abandoned after the government realised, belatedly, that all the other states were abandoning this duty.

We had the parking space tax fiasco. This measure proposed raising in the 2003-04 budget something like \$2.5 million, but the policy was very poorly developed, the government had failed to undertake any consultation, and again the government was

forced to abandon that proposal. And now we have the motor vehicle tax. The Stanhope government sought to impose stamp duty on motor vehicles based on the list price of the vehicle. In the face of fierce opposition from the opposition and the industry, the government became aware of the stupidity of this proposal and the proposal has now been withdrawn.

DR FOSKEY (Molonglo) (5.28): I wish to support the government's opposition to its own clause and to say that, like Mr Smyth, we were contacted by a number of concerned new car dealers and by the Motor Trades Association, which was very concerned when it found out about the government's proposed amendment last year. Although the previous Treasurer argued that this amendment would create a level playing field by placing greater taxes on fleet buyers, implying that they could afford them more than could individuals, car dealers contended that, since the ACT is so close to other major cities, fleet buyers would be tempted to buy their cars interstate where taxes were lower. As some people say, the market rules. This statement is very likely to be true and the policy would have led to a loss in government revenue. Since then, the ACT government has reviewed its proposal and decided to maintain the status quo of using sales price when calculating stamp duty on new cars. So I am not really sure about the need for Mr Smyth's amendment in this case.

Mr Smyth: No, it won't be moved.

Clause 9 negatived.

Proposed new clauses 9A and 9B.

DR FOSKEY (Molonglo) (5.30): I move amendment No 1 circulated in my name, which seeks to insert new clauses 9A and 9B [*see schedule 2 at page 1269*].

My amendment seeks to create a new section 208AB of the Duties Act. If the amendment is accepted, the ACT government will be able to prescribe in regulations that new vehicles purchased in the ACT pay a lower level of stamp duty if they are deemed to be among the class of vehicles with a low level of emissions. I have introduced this amendment because it is time that a car-based city like Canberra took greater account of the effect that cars have on our environment.

A number of times we have heard in debates in this place from both the government and other members of the house that, because the ACT was designed in the era of the car and its design is focused on increasing the ease of movement of cars, for a while at least, depending on how and whether we move to a public transport focus, cars are going to be an inevitable part of our lives. Consequently, given that we have obligations to reduce our greenhouse gas emissions and, I believe, obligations to residents to help them move to cars that have a decreased reliance on petrol, one way we can do that is by creating financial incentives to purchase low-emission and less-fuel-using new cars.

Another reason for introducing the amendment is that the government has stated that it must rethink its revenue base. In conjunction with its review of the climate change strategy, the government should be considering the environmental impact of its taxes and subsidies, to encourage businesses and individuals to employ more sustainable practices. My amendment is backed up by the Standing Committee on Public Accounts report of

February 2004 titled *Revenue raising issues in the ACT*. This report recommended that the ACT government review the environmental sustainability of taxes on motor vehicles, and the government supported this in principle in June 2004, saying that it would be considered in the implementation of the sustainable transport plan.

Goal 3.1 of the sustainable transport plan for the ACT seeks to encourage the use of more resource-efficient and low-emission private motor vehicles through regulation and pricing of vehicle registration, reduction in stamp duty, et cetera. Although this plan was delivered in April 2004, also about two years ago, such measures are yet to be implemented. The government did give itself five years to implement the sustainable transport plan, but I think that with current evidence of increasing oil prices and the reality of climate change we need to push this along faster. Oil prices will continue to rise and such a measure can be introduced in a way that gains broad community support. Indeed, this can be one measure towards achieving the reductions in greenhouse gases that the government is considering.

The motor sales industry has seen incredible demand for hybrid vehicles since their introduction. Media commentaries have noted that the demand for suspect American sport utility vehicles is giving way to modest hybrids. Some automotive giants face an uncertain future if they do not adapt to this change in consumer demand amid rising petrol prices and environmental concerns.

Australia is currently lagging in adopting these changes. The United Kingdom, Germany and even the United States of America have already implemented these incentive schemes. The United Kingdom has a vehicle registration scheme based on the level of grams of carbon dioxide emitted by a vehicle per kilometre. Even President Bush, who has stated publicly many times that he safeguards his country's right to use 25 per cent of the world's resources and does not want to see any compromise in lifestyle, and whose country produces the most greenhouse gases, signed a new energy bill into law on 8 August 2005, delivering a revised federal tax incentive program for hybrid cars.

I expect that the Assembly and community believe that we need to implement financial incentives for low-emission cars, but perhaps there are different ideas on how we should do this. For this reason, I have purposely not included such details in my proposed amendments and have asked the ACT government to commit to implementing such a scheme and to place the details in the relevant regulatory instrument at a later stage, after consultation.

One factor to consider before such a scheme is implemented is how many grades of reduction or categories of emission levels should be used. The UK is very well advanced on this issue and has around 20 categories, which provide for incentives across all styles and sizes of vehicles. The level of carbon dioxide for each category is increased by five grams of carbon dioxide per kilometre per year, to encourage manufacturers to constantly improve the efficiency of their vehicles and to ensure that the government does not lose significant revenue as technology advances.

The only detail included in my amendment is a measure of carbon dioxide per 100 kilometres. Although motor vehicles do emit other air pollutants such as carbon monoxide, nitrogen oxides, particulate matter, volatile organic compounds and benzene, the measure of carbon dioxide is the most commonly accepted in already established

schemes. Nonetheless, some schemes do take into account a mix of pollutant levels and, if the government choose not to support my amendment today but would rather go away and consider their options, I would urge them to make an effort to implement a world-best-practice, evidence-based, polluter-pays sales tax and vehicle registration system. This should exercise the minds of Treasury and provide some education in directing fiscal policy to sustainability in the knowledge that revenue can thus be enhanced and not harmed.

I have also not included the details of whether or not this scheme should be revenue neutral, by decreasing the percentage of stamp duty charged to low-emission vehicles and increasing the level for high emissions, as such a proposal would need to be fully costed by the ACT Revenue Office to predict possible impacts on government revenue. If the office does undertake these costings, I would like to see the costings take into account the health savings and other social and environmental benefits that will flow from these measures.

One other point worth mentioning is a requirement under the fringe benefits tax scheme for a vehicle to travel a certain number of kilometres before receiving a tax credit. Such a scheme encourages emissions by rewarding high kilometre readings. Although the ACT government is not responsible for this, I would like to see it lobbying the federal government for a greener approach.

The ACT government's report entitled *Measuring our progress: Canberra's journey to sustainability*, delivered by the Chief Minister on 9 July 2004, investigated the size of the ACT's ecological footprint and told us what we already know—that Canberra people are among the highest consumers of the world's resources. The report stated that the ACT's ecological footprint in 1998-99 was 5.73 hectares per capita, or when totalled eight times the size of the ACT—the worst of any Australian state or territory. Although this data appears to be some six to seven years old, it is relevant as it takes years to change our practices and therefore change these figures.

The paper also demonstrated that ACT residents are committed to using their cars. I quote these statistics from the government's paper: 82 per cent of the ACT population favour private motor vehicles as their main form of transport—seven percentage points higher than the overall national level of 75 per cent—and transport emissions contribute to 24 per cent of the ACT's total greenhouse gas emissions.

While I support and promote the use of public transport and cycling, I also recognise that some ACT residents prefer or need to use their cars. Canberra was designed to be a car city, and special measures will be required to change that. It is difficult for families, with their numerous drop-offs and errands on the journey to and from work; I would not deny them the use of their car while there are no alternatives. However, with oil scarcity, they deserve the government's assistance in reducing their oil use.

If the government does support my amendment in principle, but chooses not to agree to it today, I would like to request that the Treasurer commit to a date, sooner than April 2009, at which the government will implement financial incentives via a motor vehicle stamp duty and/or registration fees to encourage the use of low-emission vehicles. If it does not, it will be failing in its duty to its citizens and to the environment.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (5.40): The government will be opposing these amendments. I acknowledge that on face value the amendments have significant immediate appeal. The issues that Dr Foskey raises in relation to climate change and the need for us to adopt sustainable policies in transport, and more generally in relation to energy usage, are of course fundamental and cannot be gainsaid.

The difficulty for the government with the amendment is that in the first place it would result in a fall in revenue; there is a cost associated with the proposed initiative. But that of itself is not, of course, a disqualifying fact. The difficulty for the government is that there has been no analysis and there is no evidence that the proposal would work or, if it did work, that it would be cost effective; the difficulty being essentially whether or not an incentive provided to motorists to buy a car with the lower carbon dioxide emissions would have the impact or the effect required, or whether the cost in terms of duty forgone would represent the best way in which the government can utilise scarce resources to pursue a reduction in energy use. That is essentially the government's concern with a proposal such as this.

At face value one might draw the conclusion: revenue forgone, more cars producing fewer emissions; therefore, a good policy to be pursued without question. But any initiative that the government pursues in relation to, particularly, reduction of energy must be based on evidence. There must be a detailed analysis of the implications and the outcomes of pursuing a policy such as this, which would reduce revenue, which would have a financial impact and which does come at a cost to the taxpayer, though with a most laudable aim, namely reduction in emissions.

The government does not have that information, that analysis, around the costs and the benefits and the relationship between the two, and that is fundamental to a decision on whether or not this particular project should be pursued in this way. A detailed analysis and the evidence are required. There are also some issues around definition and a lack of information on how, for instance, the threshold emission standard that is required for the project to work might be derived, or how a vehicle might be assessed as having met the standard in relation to the threshold. There is no guidance within the provision on how the government might move to assure itself that a particular vehicle in relation to which duty is to be reduced meets the threshold standard in relation to emissions. That is the difficulty the government has, and we will oppose the amendment on that basis.

The idea is probably deserving of further consideration and perhaps some detailed work in the context of sustainable transport, and overall in the context of the need for us to reduce the consumption of energy. We know that 60 per cent of our energy emissions that contribute to greenhouse gas involve the use of electricity and that the vast majority of the rest is petrol. Here within the territory, with our narrow industry base, in the context of emissions produced within this jurisdiction, just under 60 per cent of all emissions are produced by electricity use and 30-plus per cent of the remaining 40 per cent are involved in the use of fossil fuels. So we do need to look at everything there is that we can do to reduce the use of electricity and reduce the use of oil and other fossil fuels, but most particularly oil and petrol.

The government are more than happy to continue to do that. We would be happy to include this within the raft of initiatives that over time we must pursue. But, with the lack of evidence, the lack of analysis, the lack of information on precisely how it would work and on what would be the costs versus the benefits of expenditure, or a fall on revenue of the order that might be induced or produced, the government will not support this amendment at this time.

MR SMYTH (Brindabella—Leader of the Opposition) (5.45): For similar reasons to those that the Chief Minister has outlined, and I do not think there is a need to go over them, we will also be opposing the amendment.

DR FOSKEY (Molonglo) (5.45): I will be brief, Mr Speaker. It is disappointing. I felt that there did not appear to have been a thorough discussion of these amendments from the government's side. These amendments have been out there for quite a while. But I think that the main thing is that the government itself committed two years ago to do just what this amendment proposes. Of course there is work to be done; that is exactly what I said in my speech. There is work to be done, and we have—

Mr Stanhope: Let us make the law when the work has been done, not before it has been done.

MR SPEAKER: Order!

DR FOSKEY: To have heard a little bit more approval of the idea and commitment to get on with that work would have been positive. But we have become used in this Assembly to hearing the government not take up the good ideas at the time that they are presented in the Assembly. But we hope that, as so often appears to be happening, the government will come back with its own initiative and claim it for itself later on. After all, it has already agreed to exactly this measure. I hope that we do not hear similar woolly sorts of articulations of other agreed environmental and sustainability measures. I look forward to seeing it when it comes back from the government and I hope that is very soon—certainly before the next election, perhaps just before the next election.

Amendment negatived.

Clauses 10 to 23, by leave, taken together and agreed to.

Clause 24.

MR SMYTH (Brindabella—Leader of the Opposition) (5.47): The opposition will be opposing this clause. Everybody talks about lightening the burden of red tape on the business community, particularly small business. Well, here is the perfect opportunity for the government to prove its bona fides on this issue in order to lighten the burden on business.

This opposition to the clause relating to the Payroll Tax Act removes the registration requirement, noting that employers who lodge payroll tax returns are immediately recorded on the revenue office's database. Under the government's bill, there is an increased compliance burden from requiring every employer whose payroll exceeds the

monthly threshold to register with the revenue commissioner and, if they do not, to be fined up to 250 penalty units or about \$25,000 for an individual, or \$250,000 for a corporation, if he or she fails to register within seven days of the end of the month.

However, our argument is that, since section 16 of the Payroll Tax Act 1997 requires every employer whose monthly wages paid exceeds the tax-free threshold to submit a payroll tax return, nothing is to be gained from the additional requirement for this registration. It is just more paperwork for the sake of more paperwork. There is no better outcome. Why can't the payroll tax return lodged be deemed to be an automatic registration? Current practice is for an end-of-year adjustment in payroll tax payments to take account of variations in wages paid from month to month.

The system is self-correcting and there is nothing to be gained from making it more onerous by having to register within seven days. The former Treasurer's argument for the government's bill was that registration for payroll tax would bring the ACT into line with every other jurisdiction and with the registration requirement of other ACT returns for taxes. So we will not be in line with everybody else; who cares? If they have got more paperwork, get rid of it. Honour your commitment in the economic white paper to be unashamedly the most pro-small business jurisdiction in the country. It is a perfect opportunity, Treasurer—perfect opportunity, Chief Minister.

The former Treasurer claimed as benefits the opportunity to obtain greater levels of information from companies and the increased capacity of the revenue office to target compliance activities. Those benefits, of course, are only for the bureaucracy. But they are another cost imposed on business. The government's proposal is antibusiness. It adds to paperwork, red tape and compliance costs. It is antibusiness because for the first time it threatens individuals with penalties of \$25,000, and corporations with penalties of \$250,000, simply if they fail to comply within seven days with the registration demand. By removing this, we benefit business. There is no real downside for government, and I suspect it will save the government some processing costs at the same time. So I hope the government will see the logic of this and oppose their own clause.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (5.50): The government will support clause 24. The Leader of the Opposition completely misunderstands the nature and effect of the clause.

The proposed registration requirements would provide very important tools for the revenue office to ensure compliance with what is a major tax line, particularly here in the ACT. It is current revenue office practice that all new payroll tax lodgers complete a registration form when they become liable to pay payroll tax. However, it is not compulsory and employers can refuse. More often than not, they simply fail to register with the revenue office. This amendment to the legislation will ensure that employers provide the revenue office with information relevant to their payroll tax liability that will assist the revenue office to target non-compliance activities. It will bring the ACT into line with every other jurisdiction in Australia.

This amendment simply formalises the current practice and will not, as the Leader of the Opposition alleges, create additional paperwork for currently registered payroll taxpayers. I think it is incredible that the Liberal Party overlook the plain words and

intent of the provision. Existing, currently registered payroll taxpayers will be deemed to be registered under the new legislation and will not be required to register.

The Liberal Party's claims and assertions are simply wrongheaded. The government will not agree to the removal of these provisions from the legislation. Rather, I would hope that the Leader of the Opposition, on behalf of the Liberal Party, would recognise that he was simply wrong, that he did not understand the provision, and will now support the clause.

Only payroll taxpayers who become liable after the commencement date for this legislation will be required to provide a new registration, and then they will only be required to provide that registration when they first register. It is an important provision in terms of compliance. To the extent that there are employers not paying payroll tax, it is a very serious issue. There are potentially very serious implications for the territory and employers who either deliberately or through neglect are not paying their taxes. It is vital that the revenue office have the capacity to ensure that every business that is liable to pay payroll tax meets its legal obligations and pays payroll tax.

Registration will, of course, play a significant educative role. Many businesses that are liable to pay payroll tax in the ACT have their headquarters outside the ACT and it is accepted that many of them will fail to pay their tax. They think it is appropriate and sufficient that they pay payroll tax in their home jurisdiction, in the jurisdiction in which they have their offices. It is the national experience that every other jurisdiction that has a registration requirement does draw to the attention of employers that, irrespective of the location of their head office, they have to pay payroll tax in the jurisdiction in which they employ. There is, in fact, absolutely no extra red tape for businesses that are complying with the law and are currently paying payroll tax in the ACT.

Clause 24 agreed to.

Clause 25 agreed to.

Clause 26.

MR SMYTH (Brindabella—Leader of the Opposition) (5.55): I seek leave to move amendments Nos 3 to 5 circulated in my name together.

Leave granted.

MR SMYTH: I move amendments Nos 3 to 5 circulated in my name [*see schedule 1 at page 1269*].

Obviously the government has not accepted the logic of my argument that, if you are not paying payroll tax, after the government passes this law, you are going to register to pay payroll tax and then not pay it anyway. It is like running at the lights and then putting up a sign that says: come and target me. It is just illogical.

But, to ease the illogical nature of what the government is doing, and noting that the government is currently having discussions with other jurisdictions about extending the lodgment times for some returns, the effect of my amendments is to extend the time in

which payroll tax returns must be lodged from seven days to 21 days after the end of the relevant month.

Increasing the time period for lodgment of returns will ease that compliance burden on business with no real down side for the government. It would send a signal that the government is serious about doing something positive for business instead of hitting employers harder and harder or, as the former Treasurer said—and the current Treasurer is yet to disavow that comment—squeezing them until they bleed.

It is time for the government to demonstrate its bona fides to the other jurisdictions with which it is having discussions about extending the lodgment time for payroll tax returns. I commend the opposition's amendments to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, and Minister for the Arts) (5.57): The government opposes the amendments. Indeed, to agree to these amendments would be to add to the red tape and confusion about regulation that the Liberal Party insists they are seeking to reduce. Every other jurisdiction in Australia but the Northern Territory currently has provisions consistent with the ACT's.

For the ACT, as an island in New South Wales, with significant cross-border employment, to move away would create real confusion. Businesses working in New South Wales and the ACT would have two completely different provisions in relation to payroll tax. As Mr Smyth indicates, there have been discussions. The result of those discussions was a decision to leave well enough alone, to leave it as it is. With these amendments the Liberal Party would move away from that decision. The government will oppose the amendments.

Question put:

That amendments Nos 3 to 5 be agreed to.

The Assembly voted—

Ayes 6

Noes 9

Mrs Burke
Mrs Dunne
Mr Pratt
Mr Seselja
Mr Smyth

Mr Stefaniak

Mr Barr
Mr Berry
Mr Corbell
Dr Foskey
Mr Gentleman

Mr Hargreaves
Ms MacDonald
Ms Porter
Mr Stanhope

Question so resolved in the negative.

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 Outward Bound

MRS BURKE (Molonglo) (6.01): I would like to bring to the attention of members, some of whom may be already aware of it, the fact that Outward Bound Australia is celebrating 50 years of dedicated service and, in turn, leadership to young Australians through the delivery of adventurous experiences, personal development and life skills programs at various locations across the country.

Mr Speaker, we are very fortunate in many ways that Outward Bound has maintained and expanded upon its national headquarters in Canberra, with its major facility being located near Tharwa. One of my staff has brought to my attention the recent release of the book *The first fifty years of Outward Bound Australia: Onward Bound*, a significant piece of research conducted by Helen Klæbe. I would urge interested members to seek out a copy, for even a cursory reading of it will provide a fair insight into the wonderful work that this organisation has done for young people. To quote from the book, Outward Bound courses “are for each person a special journey, often a journey of great self-discovery”.

I hope that in the 50th year of operation of this organisation the ACT government will become more involved in facilitating or encouraging ACT government schools to place young people, wherever appropriate, on courses that undoubtedly would improve self-esteem and moral, emotional and intellectual strength and endurance. In turn, it is asserted by all involved that Outward Bound sees most who participate in courses go on to contribute productively in society. The programs of Outward Bound have naturally developed over time to adapt to the needs and expectations of today’s young people.

Recently, I corresponded with the previous education minister, Katy Gallagher, about the good work of Outward Bound and it is my hope that the new minister, Andrew Barr, will look favourably on the possibility of further involvement of government school students in Outward Bound programs. This wonderful organisation deserves greater public recognition for its capacity to make life changing and lasting impacts upon the lives of young people. I urge the new education minister to consider the merit of further government involvement in the delivery of Outward Bound programs to young Canberrans and I would welcome his approaches to me to discuss this outstanding Canberra-based organisation.

Mr Speaker, for those who are interested and who live in the Tuggeranong Valley, this evening the Tuggeranong Community Council will have its regular monthly meeting and Outward Bound, along with Men’s Link, will have guest speakers at that function tonight. Possibly, Mr Gentleman, Mr Smyth, Ms MacDonald and Mr Pratt will be in attendance. I will be there and certainly look forward to hearing more about Outward Bound in its 50th year. I wish them every success for the future.

Cirque du Soleil

MS PORTER (Ginninderra) (6.04): Earlier this afternoon I had the privilege of being present at the announcement that Cirque du Soleil will be coming to Canberra in March 2007 for the first time. When I was approached by Coralie Wood, a Canberra

promoter, some months ago for assistance in her attempts to bring Cirque here I was happy to do so as I saw huge benefits in promoting Canberra as a tourist destination, obvious benefits to the people and economy of Canberra and the region, by bringing visitors from across Australia and across the sea to experience Cirque.

As a member of a panel this afternoon, I answered questions in relation to that. I was asked why I thought that it may be of benefit to young people in Canberra. I said that I realised a number of young people were already involved in similar kinds of circuses in Canberra, such as the Warehouse Circus, and these young people would be given added encouragement by being able to go along and witness Cirque for themselves. In fact, Cirque seeks out potential for its circus round the world and provides encouragement to young people, particularly young people at risk, to try the experience of a circus.

I was interested to discover that Cirque was created in the early 1980s by a group of buskers getting together with a vision for a different kind of circus and putting this vision before the city of Quebec. They succeeded in that and the rest is history, as the saying goes. Since then it has gone ahead to perform in permanent and touring venues across the world to great acclaim and it will increase the number of major international venues next year by three, Canberra being one and the others being Seoul and Shanghai.

I am proud to have been part of bringing this major event here, as it has previously been to other cities but never in the ACT. Both Australian Capital Tourism and the National Capital Authority have got behind this initiative, the latter by providing a venue on the lakeshore in front of Questacon and beside the National Library. The event that we will all have a chance to witness in 2007 when Cirque is here is called *Varekai*, which means “wherever” in the Romany language. It is a creation of Dominic Champagne and a fantastic journey of sound, light, colour, movement and myth.

The big top will seat 2,600 people and Cirque will run frequently from Tuesday through to Sunday, day and evening. Therefore, there will be plenty of opportunities for Canberrans and visitors to Canberra to enjoy this wonderful spectacle. Tickets will go on sale on 8 May this year.

Environment—renewable energy Greens—votes

DR FOSKEY (Molonglo) (6.07): It is interesting that Ms Porter is so happy about Cirque de Soleil coming to Canberra when our home grown Warehouse Circus is fearing losing its premises at Rivett school, but there you go.

I have a couple of things to talk about today. First of all, I want to follow up on one of the things that the Greens do talk about, that is, promoting renewable energy and reducing greenhouse gas emissions. I read today with interest that Senator Ian Campbell, who is the federal Minister for the Environment and Heritage, has announced that he is going to lead Australia’s largest ever renewable energy and energy efficiency trade mission to China in October. He said that he has noticed that China presents a huge potential market for Australian renewable energy products and expertise and the time is right for Australian renewable energy businesses to explore and engage with this major market opportunity.

On 12 April of this year there was a very small excerpt in our media which pointed out that, while the media was hallowing the Australian government's decision to export uranium to China, something was being overlooked, that is, that a joint enterprise called the Roaring Forties, involving Hydro Tasmania, had signed at the same time a \$300 million deal to build three 50-megawatt wind farms in eastern China.

The reason for that is that China's renewable energy market is going to be at least three times as large as its nuclear power market, possibly far larger still, because China has committed to getting 50 per cent of its energy from renewable energy resources by 2020, while uranium and nuclear power may meet perhaps five per cent of its energy needs. We all know that there is quite a long time lag.

Also, it slipped under the radar that the University of New South Wales-educated Dr Shi Zhengrong has tapped into the renewable energy market with a huge deal with China on photovoltaic solar power. He is an Australian citizen. He is now a billionaire. He made it to the Forbes list as the richest man in the world's fastest growing economy by taking Australian solar technologies to the huge Chinese market with his company, Suntech. So, Mr Campbell, you are a little bit late if you want to sell renewable energy to the Chinese market.

Finally, I want to correct the record, something I was not allowed to do earlier today. Mr Corbell said that the Greens' vote went down at the last election. In fact, it went up. It went from 9.1 per cent in 2001 to 9.3 per cent in 2004. Mr Corbell, I am sure, likes to be accurate and will, of course, note the truth. My own vote went up quite considerably. I would not have been elected the first time I stood if it had not. Sadly, though, Mr Corbell's vote went down by six per cent. Perhaps that will be remedied in the next election. I just think that, if we are going to play those kinds of numbers games about those things, we should really check our facts beforehand, because sometimes things rebound upon us.

Fairbairn Park—lease

MR STEFANIAK (Ginninderra) (6.11): I am glad that Mr Corbell is here because I think that the matter I am going to raise falls within two of his categories. There is probably still a planning aspect and there is certainly an ACT Government Solicitor aspect to it. Over 12 months ago a lease for Fairbairn Park which has been long awaited by the motor sport community and is long overdue was sent to the ACT Government Solicitor, probably by PALM, for ticking off. I appreciate the work Ted Quinlan did in relation to assisting Fairbairn Park to get a long-term lease. I think it was actually to be a 20-year lease.

Despite a number of requests from the Fairbairn Park Control Council and the motor sport people in the ACT, nothing has happened; the lease document remains with the ACT Government Solicitor's Office and has not been released back. Having worked in a solicitor's office, I would think that 12 months is an inordinate amount of time for that. That is absolutely ridiculous. If it were one or two months or something like that, I might be able to understand the delay as I know that the wheels of government turn slowly, but a period of 12 months is absolutely ridiculous. I would appreciate having the new

Attorney-General look into that, ensure that it is fixed up as soon as possible, and rectify this longstanding problem of a lease for motor sport at Fairbairn Park.

The motor sport community, rightly, are concerned about this matter. They feel somewhat aggrieved at present with the loss of the V8s and, of course, the ongoing saga of the dragway. I think that the very least the current government could do would be to honour the work Ted Quinlan did in terms of assisting them with this lease, which to all intents and purposes was hot to trot, ready to go, but for some inexplicable reason that no one is telling them about it has been held up for 12 months by the bureaucracy. So, if the new minister could sort that out, that would be excellent.

Healthpact

MR GENTLEMAN (Brindabella) (6.13): I rise this afternoon to congratulate ACT Health, the ACT government and the Healthpact board on the 10th anniversary of Healthpact and its programs of support for the ACT community. The Healthpact board is an eclectic bunch of people. It is made up of nine people whose appointments are based on their expertise in the areas of community, health, sports, arts, business, employee relations, communications and environmental health.

The Healthpact board oversees the important work of Healthpact, which provides funds to community, health, arts and sports organisations for capacity building and health promotion activities, and field development in these areas of training for the community, as well as research and evaluation programs. Healthpact has worked hard for 10 years to achieve its vision of a healthy, vital, sustainable ACT community through these three major areas of activity.

There is no greater example of the fantastic work done with Healthpact funding than that of the Tuggeranong Arts Centre in its formation of the Out of the Shower, On with the Show! choir. The program for that got a kickstart with Healthpact seed funding. Seed funding is a specific Healthpact grant that seeks to encourage organisations, to quote a Healthpact publication, "to take a great idea and put it into action". The funds allow organisations to pursue untested approaches or work on emerging trends in order to promote a healthier Canberra community. That was precisely the work undertaken by the Tuggeranong Arts Centre in August 2004 with its program to encourage community participation and to reduce social remoteness amongst older members of our society.

The TAC formed the Out of the Shower, On with the Show! choir in response to the changing demographic in the Tuggeranong Valley. It seems that we in the valley are getting older in the tooth, but we do not want to take up dancing with the youthful Funk Fresh troupe, which is itself the result of a fine TAC program. It was Healthpact funding that meant that this bright idea became a reality and it is from these little things that big things grow. The OOTS choir, to give the short name for it, is now an ongoing part of the TAC program. Two years after its formation it is still continuing with its public performances and there have been hints of a broader schedule, including younger singers, for the Tuggeranong community.

The choir and the work done by its coordinators have been rightly recognised. Last year, only one year after its formation, the OOTS choir received the community contribution award in the adult learners week awards. The Tuggeranong Arts Centre also has been

recognised as a centre that promotes active healthy programs that engage the community and will receive some \$36,000 in Healthpact funding this coming financial year. The success of the choir and the ongoing support of the Tuggeranong Arts Centre reflect the work done by Healthpact in promoting innovative programs and providing upfront funding for those ideas that challenge the norm.

I am sure that the greatest accolades for the coordinators, for the centre and for Healthpact come from the changes that this choir has made for its members. Choir member Adrienne Johns said of the choir:

OOTTS Choir has made my year! It started me on a learning curve and I've never looked back. On Tuesdays, I stand taller, smile broadly, feel cheeky, breathe deeply, laugh with friends and sing my heart out.

I congratulate the Tuggeranong Arts Centre on its continued support of the people of Canberra, the members of the Out of the Shower, On with the Show! choir on their dedication to the arts, and Healthpact on 10 years of wonderful work supporting our community.

Greg award

MR SESELJA (Molonglo) (6.17): Yesterday evening while I was sitting in my office I heard someone reading a speech having a go at me. I recognised the reader. It was Mr Gentleman. Of course, it was no surprise that Mr Gentleman was having a go at me. His speeches are normally a mix of vitriol and stupidity. I thought I should highlight some of what he said and address some of what he said because the argument that he was putting forward was quite ridiculous. I would like to address the arguments on their merits, as far as they go. One of the pearlers he pulled out was:

It always amazes me that there are not more awards out there that seek to acknowledge the comments of the ill-informed and the ignorant.

“The ignorant”, coming from Mr Gentleman! Mr Speaker, he was talking about my illustrious Greg award, as reported in the *Canberra Times*, which was a great honour. I got the award for something I said in my maiden speech. It was about saying that there are serious issues that affect many young men and that because of that we should look at having a minister for men. For that I got an award allegedly for being sexist. Mr Gentleman unquestioningly takes that on board. He says that there was an award there, so it must be true.

Mr Gentleman is saying and the Women's Electoral Lobby is saying, in giving me the Greg award, that identifying issues for young men and highlighting strategies to address them is somehow an attack on women. That is utter nonsense, Mr Gentleman. Is it any wonder that you are still on the backbench and did not get a ministry. It was just a ridiculous assertion. In fact, it was so ridiculous that when the *Canberra Times* ran it, it did not actually say what I said. I do not think that that would come as a surprise because, if it had actually put what I said next to the sexist award, people would have been scratching their heads and saying, “What is sexist about that?” Maybe I should give Mr Gentleman the benefit of the doubt. Maybe Mr Gentleman was handed the speech and just read it without thinking about it, whether out of malice or stupidity I am not sure.

Mr Speaker, based on what Mr Gentleman said in his speech, he does not care about the high rates of suicide amongst young men in the territory, with suicide being the leading cause of death amongst men; he does not care about suicide rates being four times higher amongst men compared with women and does not think that is an issue; he does not care about falling education standards for boys; and he does not care about the high rates of incarceration amongst men and boys, with 90 per cent of all prisoners being male.

These are serious issues and Mr Gentleman, by unquestioningly taking up the WEL line, just demonstrates that he does not stand for anything and does not actually think through what he says before he gets up in this place. I think that is unfortunate; it really is unfortunate. I go back to Mr Gentleman's attitude towards women, and I think particularly of pregnant women. Mr Gentleman got up in this place and attacked me over not being at committee meetings. In fact, one committee meeting that he attacked me for missing was the committee meeting that confirmed the minutes of the previous meeting, which was the committee meeting I missed the day after my wife gave birth to our third son.

So Mr Gentleman's attitude towards women is that men should not support their wives during these times, that we should go to meaningless committee meetings that confirm the minutes of previous meetings. That has been Mr Gentleman's stance in the past. Mr Gentleman, of course, voted against Mr Pratt's bill which would have protected pregnant women from violence. So what is his attitude towards women? He can stand by that record. He can go to the electorate and say, "That is my attitude towards pregnant women. That is my attitude towards women."

Mr Speaker, the Women's Electoral Lobby, if this is the best attack dog they can produce, are really struggling. Maybe they will have to write a better speech for him next time; but, if this is the best that they can produce, that is pathetic. The speech yesterday was pathetic. I stand by my record. I will continue to take up issues that affect men and women and it is not an attack on women to take up issues that affect men particularly, just as it is not an attack on men to take up issues that affect women particularly. That argument is pathetic and hopeless. I would love to hear Mr Gentleman justify why he thinks that is a good argument. I await the next instalment of his fascinating, scintillating and well thought out speeches!

Schools—closures

MRS DUNNE (Ginninderra) (6.21): In August of last year I challenged the Chief Minister, Mr Stanhope, to produce evidence to support his claims for the superiority of large schools such as the superschool they were proposing for Belconnen. As we know, Mr Stanhope did not take up that challenge, nor did he attend any of the public meetings to discuss the development of a superschool in Belconnen, even though it was to be in the heart of his electorate—unlike you and I, Mr Speaker.

I do not think that the families of west Belconnen appreciated being patronised by Mr Stanhope, who accused them of not acting in the best interests of their children by objecting to his collectivist views on education. We now have a new broom and we have new commitments to openness and consultation from the new education minister. There are many things that Mr Barr will need to take into consideration when he is looking at

his hit list for schools. Mr Barr has shown a certain amount of openness. He said on WIN news last night that he would not like to vote against my sound amendments, which I think have broad support across the parliament, to bring better consultation to the Education Act. He said on the second day of being the minister in this place that he did not want to do it. I hope that he will not want to do it on the fifth day.

One of the things that Mr Barr needs to take into consideration when he is talking about dialogue on the size of schools and the appropriateness of closing schools is that smaller schools, for the most part, are better for children. Despite what Mr Stanhope and Ms Gallagher said last year, the advantages are clear and the research is unequivocal on that. The findings are based on academic research; they are not just presumptions. They show that in smaller schools there is less anonymity because you are better known by your teachers and it fosters peer learning, that there is less probability of disruption and violence, that teachers have a better knowledge of individual students, that small schools are more effective at bridging the gap between higher and lower achievement students, and that there is a higher participation rate in extracurricular activities.

I hope that Mr Barr will listen to these issues and make sure that he is across the research. I hope that Mr Barr will live up to his claim that he is progressive and will take into account the views of the Bill and Melinda Gates Foundation when it decided to support an increase in smaller schools, funded out of its own pocket, for the benefits of pupils and teachers. The Bill and Melinda Gates Foundation is aware of the facts that have been made known by eminent educationists such as Michael Klonsky, who asserts that large schools generally correlate with inefficiency, institutional bureaucracy and personal loneliness. I hope that the approach being taken by the new minister for education will not end up in a situation arising where we have one size fitting all. There is no optimum size for schools. It is based on the benefits that it brings to a particular community.

I would just like to highlight one of the schools in my electorate that I am concerned about, the school of Charnwood, which has an enrolment of about 170 in an area of low socioeconomic achievement. It is a school that has seen a huge turnaround in the behaviour of students, in the achievement of students and in the outreach that that school makes to the parents and the wider community who are struggling. It is a school which not only teaches the children who come to it to read but also helps to improve the literacy of the parents of those children so that it feeds one off the other. I would hate to see those people severely at risk put further at risk by willy-nilly approaches to closing schools just because they are small. We have to look at the programs that the schools provide.

I suppose I have to put on the record that I have a conflict of interest here because, as a parent who supports the government school system, I have chosen to put my son in a small school for his educational benefit generally and particularly because of the program that is offered at Lyons primary school. I want my children to learn languages. He is in the Italian immersion program there because it offers great opportunities for children. He travels halfway across Canberra to go to school there. There are many other people who make those choices for their children to go to smaller schools.

Question resolved in the affirmative.

The Assembly adjourned at 6.27 pm until Tuesday, 9 May 2006, at 10.30 am.

Schedules of amendments

Schedule 1

Revenue Legislation Amendment Bill 2005 (No 2)

Amendments moved by Mr Smyth (Leader of the Opposition)

3

Clause 26

Proposed new section 16 (1)

Page 17, line 18

omit proposed new section 16 (1), substitute

- (1) This section applies to an employer if the total of all taxable wages paid or payable in Australia by the employer in a month exceeds the amount determined for this section under the *Taxation Administration Act 1999*, section 139.

4

Clause 26

Proposed new section 16 (2), note

Page 17, line 26

omit

5

Clause 26

Proposed new section 16 (3) (b)

Page 18, line 3

omit

7 days

insert

21 days

Schedule 2

Revenue Legislation Amendment Bill 2005 (No 2)

Amendment moved by Dr Foskey

1

Proposed new clauses 9A and 9B

Page 6, line 16—

insert

9A Section 208 (1)

omit

Subject to subsection (2) and section 208AA,

substitute

Subject to subsection (2), section 208AA and section 208AB,

9B New section 208AB

in part 9.1, insert

208AB Partial exemption—low emission vehicles

- (1) This section applies to an application to register a motor vehicle if—
 - (a) the vehicle has not previously been registered under the Vehicle Registration Act or any other territory law; and
 - (b) the vehicle has a carbon dioxide emission level of less than the level determined by the Minister for this section.
- (2) Duty for the application is payable at the prescribed percentage of the amount that would, apart from this section, be payable for the application.
- (3) A determination under subsection (1) (b) is a disallowable instrument.

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

- (4) In this section:

carbon dioxide emission level, for a vehicle, means the amount of emissions of carbon dioxide generated by the vehicle per hundred kilometres.

prescribed percentage means the percentage determined under the Taxation Administration Act, section 139 for this section.

Answers to questions

Motor vehicles—home-garaged (Question No 849)

Mrs Dunne asked the Minister for Economic Development and Business, upon notice, on 14 February 2006:

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

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

- (1) 7;
- (2) 0;
- (3) (a) 7;
- (b) Fraser, Queanbeyan, Amaroox2, Chisholm, Latham and Evatt
- (c) (i) Fraser (89), Queanbeyan (137), Amaroo (109), Amaroo (76), Chisholm (221), Latham (24) and Evatt (108);
- (ii) Fraser (31), Queanbeyan (74), Amaroo (241), Amaroo (352), Chisholm (426), Latham (63) and Evatt (426).

Health—breastfeeding (Question No 904)

Mr Smyth asked the Minister for Health, upon notice, on 15 February 2006:

- (1) How many workplaces in the ACT have received Australian Breastfeeding Association accreditation as Breastfeeding Friendly Workplaces;
- (2) What is the Government doing to boost the number of Breastfeeding Friendly Workplaces in the ACT.

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

- (1) Ten workplaces have received accreditation in the ACT.
- (2) The ACT Government is leading by example in boosting the number of Breastfeeding Friendly Workplaces in the ACT. In 2004, the ACT Government released the policy *Expectant and New Mothers, ACT Workplaces: A guide for employers and employees*.

This document reflects the ACT Government's commitment to commitments to ensure equality of opportunity, the elimination for discrimination and the promotion of family and work balance in all of Canberra's workplaces. This policy emphasized the basic facts that all women have the right to breastfeed in the workplace if they choose, and that employers have an obligation to facilitate the ability of women to do this. The policy notes that in meeting this obligation, employers can show their commitment to breastfeeding by applying for accreditation from the Australian Breastfeeding Association.

In October 2005, Chief Minister's Department released a policy directive to assist ACT Government agencies in undertaking work on balancing work and life in the ACT Public Service. Within the focus on Family Friendly Initiatives, the policy recognised that upon return to work many staff may wish to continue to breastfeed, but may feel that it is not possible due lack of privacy and workplace support. Accordingly, agencies are encouraged to ensure that breastfeeding mothers are able to do so by providing time and space for the purpose within the workplace.

In support of this important aspect of work and life balance, under the *ACT Public Service Certified Agreement Template 2004 – 2007*, significant sized agencies are required to establish and maintain a room for nursing mothers as well as allow up to one hour paid lactation break per day or shift.

Currently, ACT Health employees are entitled to a range of facilities and supports to enable them to combine continuing breastfeeding with their employment. This includes up to one hour paid lactation break per day or shift for breastfeeding or to express breast milk; access to a nursing room equipped with a clean refrigerator, sink and a comfortable chair; and guidelines ensuring access, privacy and hygiene standards for the nursing room.

ACT Health has 12 dedicated breastfeeding facilities for staff throughout its diverse premises and has applied for accreditation as a Breastfeeding Friendly Workplace.

Breastfeeding is one of the strategic areas of focus within the *Health Action Plan 2002*. ACT Health is committed to supporting policies and programs that promote and support breastfeeding including supporting breastfeeding education and support activities through the hospitals and child and maternal health services.

A number of services, information, advice and education are provided to support breastfeeding and early childhood parenting in the community. This includes Breastfeeding Advice and Support, a service which provides information, strategies and skills to promote breastfeeding in the community, home visits by Maternal and Child Health nurses, health checks through Community Health child health clinics and specialised feeding services; including Day Stay services and the Queen Elizabeth II Family Centre.

Public breastfeeding facilities are available at each of the following health clinics:

Calwell, Charnwood, Chisholm, Dickson, Florey, Isabella Plains, Kaleen, Lanyon, Mount Neighbour, Narrabundah, Ngunnawal and Weston.

**Housing—emergency accommodation hotline
(Question No 933)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2006:

- (1) How many calls were received by the emergency accommodation hotline in (a) 2004, (b) 2005 and (c) 2006 to date;
- (2) How many callers to the hotline required emergency accommodation in (a) 2004, (b) 2005 and (c) 2006;
- (3) How many of the callers who required emergency accommodation were then placed in emergency accommodation in (a) 2004, (b) 2005 and (c) 2006;
- (4) What happened to those callers who required emergency accommodation but a place was not able to be found for them;
- (5) What percentage of the callers in the years listed in part (1) had children that also required accommodation;
- (6) To which emergency accommodation providers are callers to the hotline currently directed;
- (7) How many emergency accommodation places are available for use in the ACT;
- (8) Have the number of calls to date in 2006 been any higher than for the corresponding time in the 2005 and 2004 calendar years; if so, what has the Government been doing to address the increase in calls and ensure people are accommodated at this time;
- (9) What is the current funding allocation to the hotline and is it the same, more or less, than in its first year of operation;
- (10) What (a) is the 2005-06 funding allocation for the Emergency Accommodation Fund (EAF) and (b) was the 2004-05 funding allocation;
- (11) What funds were dispensed from the EAF in (a) 2004-05 and (b) 2005-06 to date.

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

- (1) Lifeline received in the (a) 2004 calendar year, 2595 calls and in the (b) 2005 calendar year 2187 calls. As the service collates data for reporting six monthly, no data for the (c) 2006 calendar year is currently available.
- (2) The number of callers to Lifeline CEAS who required emergency accommodation in the (a) 2004 calendar year was 534 and (b) in the 2005 calendar year was 411. As the service collates data for reporting six monthly, no data for (c) 2006 is currently available.
- (3) Data on the number of people placed in emergency accommodation after calling Lifeline is not available. It is not possible to answer this question in the way it has been asked. As the Lifeline service has changed considerably over time and the statistical information is no longer relevant or comparable. The number of callers who accessed emergency accommodation through Anglicare in:

(a) 2004 is 236 individuals/ families, who accessed brokered accommodation or pre-leased accommodation. Other assistance, including support to maintain existing accommodation arrangements was provided to a further 177 individuals/families.

(b) 2005, 449 individuals/ families, who accessed brokered accommodation or pre-leased accommodation. Other assistance, including support to maintain existing accommodation arrangements was provided to a further 397 individuals/families.

(c) As the service collates data for reports six monthly, no data for 2006 is currently available.

- (4) Callers are provided with information about the availability of crisis accommodation, however callers self refer to accommodation providers. CEAS is not able to collect data on turn away rates from other services where CEAS is the referring agency

In addition to the availability of crisis accommodation Lifeline CEAS provides counselling to callers which includes information about other agencies such as free food, emergency relief, legal aid, advocacy services and financial and relationship counselling services.

Some Lifeline callers may choose to remain in their current situation or may be helped to identify other approaches such as exploring their family and social networks for accommodation.

- (5) Lifeline offers an anonymous service; all information collected has been volunteered by the caller. The following data is an approximation based on information volunteered by callers. The percentage of callers who self-identified dependants, including children is (a) 29.4% and (b) 19.2%. The service collates data for reporting six monthly, no data for (c) 2006 is currently available.
- (6) Information on emergency accommodation was provided by Lifeline and includes crisis accommodation service providers and short to medium term Supported Accommodation Assistance Program services.

Callers were provided with information on possible vacancies with the following service providers:

- The Emergency Accommodation Fund through Anglicare CEAS
- **Young People:** Belleden, Canberra Youth Refuge, LASA, Queanbeyan Youth Refuge, Lowanna, Dyiramal Migay, Barnados Transition Program, Canberra Community Housing for Young People (CCHYP) Homelinx, George Lloyd House
- **Single men:** Samaritan House, Mary's Place, Centacare Minosa House, AIM, and ASSIST programs at Ainslie Village Canberra Mens Centre, CMC Men's Accommodation Support Service (MASS) and CMC Outreach service for men (this referral point can be immediately accessed through an MOU with Anglicare CEAS).
- **Single women:** Inanna, Toora Women Inc, Betty Searle House,
- **Families:** YWCA Families Experiencing Accommodation Transition in Tuggeranong (FEATT) and Family Housing Outreach Service (FHOS), Queanbeyan Family Accommodation and Support Service, RAJA Gungahlin and Belconnen, St Jude's Family Support Service, CANFaCS crisis and medium term.
- **Women with accompanying children:** Caroline Chisholm, Monica House, Karinya House, Inanna, Gonyah Women's Housing Program (NSW).

- **Women escaping domestic violence:** Beryl and Doris Women's Refuges are referred through the Domestic Violence Crisis Service, Louisa.
- **Generalist accommodation providers:** Havelock House, Kaidesh, Rahula Community Lodge. Lifeline callers are provided with information about the private sector including hotel, motel and caravan park accommodation options. Callers were also referred to non-accommodation services where those services may provide assistance to address issues impacting on their accommodation situation.

Lifeline also provided information on:

Cooma Monaro Crisis Service (NSW), Goulburn Emergency Accommodation Service (NSW), Bega Women's Refuge (NSW), Edil Quinn (NSW), Gudu Wondjer Women's Service (NSW), Kennedy House (NSW), Moruya Woman's Refuge (NSW), Moruya Youth Refuge (NSW).

- (7) 259 individual/ household accommodation places are available in the ACT this figure does not include accommodation accessed through brokerage funds.
- (8) Data is provided on a six monthly basis and has not yet been provided for 2006.
- (9) The current funding allocation for Lifeline CEAS is \$82,110. Lifeline has received indexation increases annually to the base funding since its first year of operation.
- (10) The total funding allocation for (a) 2005-06 for the Emergency Accommodation Fund is \$392,000. (b) The funding for 2004-05 was \$381,000.
- (11) Funds are allocated by funding agreement to Lifeline and Anglicare CEAS as the providers of these services. All funds were dispensed from the Emergency Accommodation Fund in (a) 2004-05 and (b) 75% of the funds have been dispensed in 2005-06.

Hospitals—bypasses (Question No 942)

Mr Smyth asked the Minister for Health, upon notice, on 16 February 2006:

- (1) On how many occasions did (a) The Canberra Hospital and (b) Calvary Hospital go on bypass in (a) January and (b) February to date;
- (2) How many patients were affected by bypass on each occasion in (a) January and (b) February to date;
- (3) On how many occasions in (a) January and (b) February to date did patients wait on gurneys in the corridor with paramedics until a bed became available;
- (4) Of those patients waiting on gurneys in (a) January and (b) February to date, (i) what was their ailment and (ii) what was their triage category;
- (5) How many paramedics in (a) January and (b) February to date, were forced to wait with patients and for what length of time on each occasion was a patient forced to wait in a corridor until a bed became available.

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

- (1) (a) The Canberra Hospital initiated load sharing
 - (a) twice in January 2006
 - (b) six times in February 2006 (of which four were initiated up to the date of this question)
- (b) Calvary Public Hospital initiated load sharing
 - (c) no times in January 2006
 - (d) once in February 2006
- (2) This information is not collected by ACT Health
- (3) According to reports from our hospitals:
 - (a) None
 - (b) Four
- (4) No category one or two emergency department presentations which arrive by ambulance are required to wait for medical attention.

It is not possible to determine from current systems the ailments or the triage categories of the four people who waited with paramedics as the data does not differentiate patients based on who waited with them prior to treatment by a hospital clinician.

- (5) ACT Health does not record information on the number of paramedics waiting with patients in the Emergency Department.

**Petrol stations
(Question No 948)**

Mr Smyth asked the Minister for Planning, upon notice, on 16 February 2006:

- (1) How many petrol station sites does (a) Woolworths Ltd and (b) Coles Myer Ltd currently control in the ACT and where are these sites located;
- (2) Have either of Woolworths or Coles Myer applied for any new sites for petrol stations in the ACT; if so, in what suburbs are these sites located;
- (3) Have any other interests applied for any new sites for petrol stations in the ACT; if so, in what suburbs are these sites located;
- (4) Are either of Woolworths or Coles Myer developing any new petrol station sites in the ACT at present; if so, in what suburbs are these sites located.

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

- (1) The following information has been obtained from the Dangerous Substances Premises Register from ACT WorkCover.

There are 17 Eureka Operation/Coles Express sites in the following suburbs:

Wanniassa	Tuggeranong
Phillip	Manuka
Higgins	Hawker
Fyshwick (Wiluna Street)	Fyshwick (Corner Wollongong & Newcastle Streets)
Dickson	Deakin
Curtin	Charnwood
Campbell	Braddon
Belconnen	Canberra Gateway (Federal Highway)
Belconnen Town Centre	

There are six Woolworths Limited sites and one Caltex Woolworths in the following suburbs:

Gungahlin	Mawson
Lanyon	Tuggeranong
Dickson	Belconnen
Hume	

- (2) The Planning and Land Authority has advised that no new sites have been applied for by either Woolworths or Coles Myer.
- (3) In 2002, a site was also released by the former Gungahlin Development Authority in Gungahlin for a service station. The lessee has subsequently approached the Government for a direct sale of the adjoining site which has been agreed to by Government.
- (4) In 2005, the Land Development Agency released a site through a competitive process in Amaroo for the purposes of a service station.

The site in Gungahlin is currently the subject of a development application. Whilst the owner of the site is not Coles Myer or Woolworths, I understand that petrol provider will be Shell. There has also been a Development Application approved for a Woolworths petrol station in Wanniassa.

**Mawson oval
(Question No 968)**

Mr Mulcahy asked the Minister for Urban Services, upon notice, on 7 March 2006:

- (1) Can the Minister confirm that damage occurred to the irrigation system at the playing fields at Mawson as a result of recent installations of communication facilities by either Telstra or interests associated with Telstra;
- (2) What was the extent and nature of that damage;
- (3) What is the estimated cost of remedial works as a result of any such damage;
- (4) Who will be responsible for the remedial works required as a result of any such damage;

- (5) What is the state of progress of remedial works and anticipated timetable for completion of all works.

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

- (1) Yes, damage was caused by Telstra or contractors working on behalf of Telstra.
 - (2) During trenching activities, damage was caused to some components of the automatic irrigation system at the playing fields, including cabling and hydraulic tubes.
 - (3) The cost of restoring the damage is still being finalised but it will amount to several thousand dollars.
 - (4) The Department of Urban Services will be seeking to recover these costs from Telstra as they were responsible for the installation.
 - (5) The damage to the irrigation system has been repaired and it is now functioning normally.
-

Roads—traffic congestion (Question No 969)

Mr Mulcahy asked the Minister for Urban Services, upon notice, on 7 March 2006:

- (1) Are any further measures being contemplated to reduce traffic congestion during peak hours at the Hindmarsh Drive and Tyagarah St intersection;
- (2) Is the Minister aware of growing traffic problems associated with traffic overflowing from the turning lane into Palmer Street from Hindmarsh Drive during morning peak hour;
- (3) Will the Minister consider further measures to alleviate this peak hour congestion and resultant safety issues;
- (4) Are there longer-term traffic plans being developed for this area in light of residential building underway in the East O'Malley Estate, and the likelihood of traffic conditions deteriorating at the Hindmarsh Drive and Tyagarah St intersection;
- (5) Have any measures been contemplated to assist motorists seeking to exit O'Malley onto Yamba Drive during peak periods given that none of the exits from this suburb are afforded the protection of traffic light controlled intersections.

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

- (1) No further measures are currently being contemplated.
- (2) The operation of this intersection during the morning peak has been observed by officers from Roads ACT. Whilst it is not impossible for the queue to overflow from the turning lane, it does not do so frequently, and is not considered a major issue.
- (3) Roads ACT will make further adjustments to the operation of the traffic lights in order to reduce even further, the likelihood of the queue overflowing.

- (4) No. The traffic assessment undertaken to determine the likely impact of the East O'Malley residential development did not recommend the need to implement any additional improvements at the intersection.
 - (5) At present no additional measures are being contemplated.
-

**Development—Gowrie
(Question No 970)**

Mr Seselja asked the Minister for Planning, upon notice, on 7 March 2006:

- (1) What proposals for the development of Section 237 Gowrie have been put forward since it was zoned residential;
- (2) Is the Government aware of any development application, either submitted or currently being prepared, to develop Section 237 Gowrie;
- (3) Are there any current consultations or discussions that may lead to a development application being considered for Section 237 Gowrie;
- (4) What is the likely form of any such development in terms of number and style of dwellings, street access and boundary requirements.

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

- (1) Block 5 Section 237 Gowrie was identified for Residential use in the original planning for Gowrie in the 1970's. The ACT Planning and Land Authority has not received any current proposals for development relating to that Block. Information relating to earlier proposals is not available.
 - (2) The Authority is not aware of any Development Applications being prepared for the block.
 - (3) The LDA is currently undertaking a site investigation report for Block 5.
 - (4) The site investigation report being undertaken by the LDA will consider the number and style of dwellings proposed for the block, along with potential access and boundary requirements.
-

**Planning System Reform Project
(Question No 971)**

Mr Seselja asked the Minister for Planning, upon notice, on 7 March 2006:

- (1) What were the specific concerns raised by members of the planning profession in relation to the technical papers associated with the Planning System Reform Project;
- (2) How have these concerns been resolved;
- (3) What was the allowed time for public comments on the technical papers;

- (4) What special opportunities were provided to members of the planning profession in Canberra to participate in working sessions leading to the determination of the technical papers;
- (5) Which Canberra-based urban planning consultancies benefited from the briefs offered for work associated with the planning reforms.

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

- (1) Concerns raised by members of the planning profession in relation to the technical papers related mainly to:
 - relationship of Crown leases to the Territory Plan;
 - the role of purpose clauses, particularly in relation to commercial and industrial leases;
 - the notion of a time-limited holding lease;
 - the current system of change of use charge;
 - the process for preparing and adopting policies for future urban land;
 - incorporation of existing planning guidelines and policies into the Territory Plan;
 - a system of complying certificates for single residences in greenfields areas and other small structures that don't require development approval;
 - advice from other agencies should be complied with, particularly if it is of a technical nature.
- (2) How the Government proposes to resolve these matters is reflected in the Government Response to Community Comments on the Planning System Reform Project – November 2005 publication, which is available on the Planning and Land Authority's website.
- (3) A formal public consultation program was conducted for 8 weeks between 27 May and 22 June 2005. Late submissions were also accepted for approximately one week after that closing date.
- (4) Members of the local planning profession were provided with an initial briefing on the scope of reform and invited via the local division of the Planning Institute of Australia to make comment. The local division of the Institute is also a member of the Minister's Planning and Development Forum that has been continuously engaged in the development of the reform project. Further, several members of the planning profession in Canberra have participated on the Planning System Reform project's Expert Reference Panel.
- (5) All Canberra based planning consultancies were asked for expressions of interest in reviewing elements of the Territory Plan and more restricted select tendering for specialist parts of the project, such as the review of Change of Use Charge.

No expressions of interest were received from Canberra-based consultancies in respect to the Territory Plan and one local consortium that was unsuccessful for the Change of Use Charge work. The main consultancy appointed has an office in Canberra.

**Children—special needs
(Question No 972)**

Mrs Burke asked the Minister for Education and Training, upon notice, on 7 March 2006:

- (1) Is the Minister aware of Western Australia's policy of funding children with special needs;
- (2) How does the Western Australia model compare to the ACT's model;
- (3) Is the ACT Government's contribution to high need students equal to or more than the \$20,000 contribution for 'Category A' disability students in Western Australia;
- (4) Would the Government consider implementing a funding model similar to Western Australia that has been endorsed by the Association of Independent Schools; if not, why not.

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

- (1) Yes.
- (2) The ACT model differs from the Western Australian model in that ACT students participate in an appraisal more frequently than in Western Australia to ensure that resource levels reflect their developmental needs and educational setting.
- (3) Students with the highest level of need in ACT schools, particularly those in special schools, may receive more than the \$20,000 allocated by the Western Australian Government.
- (4) Western Australia has implemented a model similar to that of the ACT. There is a high level of satisfaction with the ACT SCAN process.

**Housing ACT—assistance and review panel
(Question No 973)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 7 March 2006:

Has Housing ACT established a Housing Assistance and Review Panel; if so, (a) when was it set up, (b) what are its primary functions, and (c) what advice will it provide Housing ACT.

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

The role and functions of the Housing Assistance and Tenancy Review Panel are being developed as part of the current community consultation process on housing issues.

**Namadgi National Park—prescribed burning
(Question No 975)**

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

See answer to Question on Notice 974.

**Roads—rule changes
(Question No 977)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 8 March 2006:

- (1) How many comments were made on the proposed changes to road rules which were referred to in Urban Services media release, dated 30 January 2006;
- (2) How many comments were made by ACT residents;
- (3) What comments were made by ACT residents and were they in favour or against the proposed changes;
- (4) When will the meeting where State and Territory transport ministers will vote on the road rules take place.

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

- (1) The National Transport Commission have advised that approximately 2000 submissions were received from members of the public on the proposed amendments to the Australian Road Rules, including the proposed changes to the seatbelt laws.
- (2) The National Transport Commission is unable to provide information on the State/Territory of origin for each comment. Because comments were sent via the Internet, the National Transport Commission only knows the name of each contributor and the contributor's email address eg john.smith@bigpond.net.au. Most email addresses do not include the State/Territory in which the person resides.
- (3) See question 2.
- (4) The National Transport Commission's current timetable for approval of this 2nd package of amendments to the Australian Road Rules (ARR) states that on Monday 12 June 2006 the amendment package will be sent out to all State and Territory Transport Ministers. Ministers will have a 2-month period in which to vote for or against the ARR amendment package. The vote will close on Friday 4 August 2006 and the National Transport Commission will advise jurisdictions of the result.

If there is a majority vote for the amendment package then all jurisdictions will be asked to amend their jurisdictional laws to include the changes to provide for national consistency.

Crime—car theft (Question No 978)

Mr Pratt asked the Minister for Urban Services (redirected to the Minister for Police and Emergency Services), upon notice, on 8 March 2006:

- (1) How many classes of the Right Turn car theft program have taken place for (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date;
- (2) For the years listed in part (1), how many people participated in each of the classes;
- (3) How many cars have been rebuilt to date;
- (4) Have all cars been given to victims of car theft;
- (5) How many young people with motor vehicle offences have been eligible to participate in the program;
- (6) Have all those eligible, as outlined in part (5), participated in the program; if not, why not;
- (7) Are there any plans to expand the 'Right Turn' program; if so, what are they.

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

- (1) (a) Two classes took place in 2002 – 2003
(b) One class took place in 2003 – 2004

- (c) One class took place in 2004 – 2005
 - (d) No class has taken place in 2005 – 2006 as yet (see the answer to question 7 below).
- (2) Five young people participated in the first class. Thereafter four students participated in each of the remaining three classes. This was a running change based on experience from the first group that pairs are the optimum arrangement, and high student-trainer ratios are necessary with high-risk young people to maximise outcomes.
 - (3) Each program rebuilt one car, making four in total.
 - (4) Yes. The handover of the refurbished vehicle has been designed into the program from its inception as a restorative process to benefit the recipient, the students and the community.
 - (5) Eligibility for Right Turn is for high-risk offenders under 18 years of age, but also preferably over 16 years old in order to sustain employment outcomes. Initially, eligibility was limited to high-risk young offenders with a motor vehicle theft profile. Over the course of the program eligibility was adjusted slightly to be for high-risk young offenders regardless of their offence profile, subject to the same assessment of their likely benefit from the program which applied to all participants from the outset. Because numbers are limited, once each of the places is filled, further high-risk young offenders are not approached.
 - (6) Not every high-risk young offender considered to be potentially eligible for the program has participated in Right Turn for a number of reasons. These include: the classes' limited number of places; some young people return to school; some return to incarceration; some find employment; and some potential candidates decline to undertake the program.
 - (7) The Right Turn program is currently in the process of being integrated with the Young Adults at Risk - Developing Skills (YARDS) program within the Training and Adult Education Unit of the ACT Department of Education and Training. YARDS is designed to provide marginalised young people with individual support as they prepare for, and enter, vocational or educational placements. The next Right Turn intake is expected to occur through YARDS in 2006, possibly with six participants.

Dogs

(Question No 979)

Mr Pratt asked the Minister for Urban Services, upon notice, on 8 March 2006:

- (1) How many stray and abandoned dogs have been housed in Urban Services animal shelters in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date;
- (2) For the years listed in part (1) how many of the dogs housed at shelters were (a) rehoused, (b) returned to owners and (c) euthanised;
- (3) For the years listed in part (1) how many of the dogs housed at shelters were micro chipped;
- (4) What is the maximum number of dogs that can be housed at any one time in ACT dog shelters;

- (5) How many dogs are currently in ACT dog shelters and where are they housed;
- (6) What is the greatest number of dogs that have been housed in ACT dog shelters at any one time.

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

- (1) Stray or abandoned dogs impounded by Domestic Animal Services (nb does not include seized dogs)

YEAR	No of Dogs Impounded
2002 - 2003	1930
2003-2004	1712
2004 – 2005	1544
2005 – 2006 (to date)	1124

- (2) For the years listed in part (1) how many of the dogs housed at shelters were
(a) rehoused, (b) returned to owners and (c) euthanised;

YEAR	Returned to Owner	Re-homed to new owner	Euthanased (excludes seized dogs)
2002 – 2003	1212	476	313
2003 – 2004	1137	460	165
2004 – 2005	1103	445	120
2005 to date	847	328	71

- (3) The Dogs Database is unable to be interrogated to the level required to answer this question.
- (4) The shelter is designed to carry fifty (50) dogs at any one time. In the event of extreme overload each pen can be split doubling the capacity to one hundred (100).
- (5) As at the 8 March 2006 there were 29 dogs impounded at the Mugga Lane Facility.
- (6) The information sought is not in an easily retrievable form. The information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance I do not believe it appropriate to divert resources for the purpose of answering the member's question.

Capital Linen (Question No 980)

Mr Pratt asked the Minister for Urban Services, upon notice, on 8 March 2006:

- (1) How many clients does Capital Linen currently have;
- (2) Has Capital Linen lost or gained any clients since it was transferred to the Department of Urban Services;
- (3) What are current staffing levels within Capital Linen;

- (4) What were staffing levels before Capital Linen was transferred to the Department of Urban Services;
- (5) What was the operating profit or loss of Capital Linen for the (a) two financial years prior to and (b) the financial years after, its transfer to Urban Services;
- (6) Has the Independent Competition and Regulatory Commissioner (ICRC) recommended a more transparent relationship with Government; if so, is the relationship not adequately transparent; if so, why; if not, why not.
- (7) Are there plans to make Capital Linen a Territory-owned corporation as suggested by the ICRC; if so, when will this occur; if not, why not.

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

- (1) Capital Linen Service (CLS) currently has approximately 150 customers.
 - (2) CLS has experienced a small level of customer turnover since it was established on 1 April 2004. Sales volumes have remained fairly constant within the context of normal seasonal fluctuations.
 - (3) CLS operates in the range of 108 to 115 full time equivalent staff depending on the level of production.
 - (4) CLS was established in Urban Services on 1 April 2004. Urban Services is unable to provide FTE information relating to the former linen business of Totalcare Industries Limited.
 - (5) CLS was established in Urban Services on 1 April 2004. CLS reported an operating loss of \$0.189m for the period 1 April 2004 to 30 June 2004, and an operating loss of \$0.722m for the period 1 July 2004 to 30 June 2005. Urban Services is unable to provide financial information relating to the former linen business of Totalcare Industries Limited.
 - (6) The ICRC inquiry was part of a range of measures taken by the Government to review the former Totalcare linen business, after its transfer into Urban Services. Following on from the 2004 independent business review of CLS, I initiated the ICRC inquiry to assist the Government to determine the most appropriate business model for CLS and to best achieve the objectives of the Competition Principles Agreement. The ICRC issued a report on 22 March 2006, which contains four findings that are generally supportive of CLS and makes eight recommendations that provide options for placing CLS on a more competitively neutral footing. I am now waiting for a brief from the department of Urban Services and then the government will consider the recommendations.
 - (7) The ICRC is an independent statutory authority that is not subject to Government direction in the conduct of its inquiries, including its findings or recommendations. The draft ICRC report recommends the Government consider, in the longer term, setting up CLS as a Territory-owned corporation. The Government has no plans to do this at present. The Government will consider the findings and recommendations of the inquiry.
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**Ambulance service
(Question No 981)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 8 March 2006:

- (1) How many ACT Ambulances are currently in service;
- (2) Of the four ambulance vehicles that were out of service over the Christmas break, for how long and why was each of the vehicles out of service;
- (3) What staff concerns were raised regarding vehicle safety;
- (4) Why were these safety concerns not detected earlier and are there problems with the maintenance regime of ACT ambulances;
- (5) What mileage are ACT ambulances required to reach before they are automatically replaced;
- (6) Are any ACT ambulances currently in service above the required replacement age referred to in part (5); if so, (a) how many, (b) what mileage are they at and (c) why have they not been replaced;
- (7) Of the six new ambulances that were promised for delivery last October, how many have been delivered to date and when were they delivered;
- (8) Why have ACT ambulance vehicles that were scheduled for delivery in October been delayed significantly;
- (9) Of the \$7.3million funded for emergency service vehicle replacements for the next four years, how much will be allocated to ambulance replacement;
- (10) Of the four ambulances on loan from Victoria, (a) for how long were they on loan, (b) how much did this cost the ACT Government and (c) are they still on loan; if so, why and how much longer are they to remain on loan.

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

- (1) There are 14 emergency stretcher ambulances, 2 non-emergency patient transport ambulances and 1 four-wheel drive stretcher ambulance.
- (2) The stretcher ambulances were retired from service in late December 2005. The decision to retire these ambulances was taken by the Chief Officer on the basis that the ambulances had exceeded their normal operational life of 250,000 kilometres and his consideration of other factors relating to their continuing operational capacity and serviceability.
- (3) Concerns were raised by several staff regarding the ambulances having exceeded their normal operational life of 250,000 kilometres and possible operational safety issues arising from the age of the vehicles.

- (4) Ambulances are maintained and serviced in accordance with manufacturers' recommended standards. Routine inspections are carried out as part of this process and any identified (or reported) maintenance and repair requirements are addressed.
 - (5) Emergency stretcher ambulances are normally replaced at 250, 000 kilometres.
 - (6) No emergency stretcher ambulance currently in operational use is beyond the normal operational life of 250,000 kilometres.
 - (7) Two new emergency stretcher ambulances were delivered in early March 2006. Delivery of the remaining four ambulances is expected by mid April 2006.
 - (8) A range of factors influenced the delivery dates for the ambulances including:
 - The procurement process could not be commenced until approval of capital budget funding;
 - Timeframe required for contract negotiation and signature;
 - Limited availability of Mercedes vehicles within Australia for conversion as stretcher ambulances; and
 - Timeframes for supplier to commence vehicle conversion and fit out program owing to competing supply demands from other interstate ambulance services.
 - (9) The amount of funds to be allocated to ambulance replacement over the coming 4 years from the overall funding allocation will be subject to internal Emergency Services Authority decisions regarding vehicle replacement priorities each year, the negotiated price for each vehicle, and the number of ambulances in need of replacement.
 - (10) (a) Early January to mid April 2006.
(b) \$18,000.
(c) Yes. See (2), (7) and 10(a).
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Policing—interstate assistance (Question No 982)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 8 March 2006:

- (1) Has his attention been drawn to an article entitled "Police sift responses on serial rapist", Canberra Times, 28 February 2006, Page 6; if so, why have police from interstate joined the Canberra team for this investigation;
- (2) How many police from interstate have joined the Canberra team and what is the total number of officers working on the case as at 28 February 2006;
- (3) Are the interstate officers attached to the AFP; if not, where are the interstate officers from and what skills do they possess that make their inclusion necessary;
- (4) What is the cost to the ACT Government due to interstate officers being assigned on this investigation;

- (5) How long have interstate officers been participating in this investigation and is there a specific date at which their services will no longer be required or will that be at the end of the investigation;
- (6) Does this interstate assistance indicate that ACT Policing is under stress and lacks the resources to carry out such investigations; if not, what is the explanation for sourcing these interstate police;
- (7) In how many cases have interstate officers assisted with ACT based investigations in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date.

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

- (1) Yes, I am aware of the article in question.
Police officers from interstate have not joined the investigating team. As is normal in any major investigation, ACT Policing has sought information from other Australian jurisdictions which may assist in identifying this offender.
- (2) See the response to question 1. The number of ACT Policing members working on this investigation varies from day-to-day depending on the nature of investigations or activities being undertaken. A core team of 5 investigators and 2 intelligence officers are coordinating the investigation.
- (3) See the response to question 1.
- (4) Nil. See the response to question 1.
- (5) See the response to question 1.
- (6) No. See the response to question 1.
- (7) ACT Policing routinely seeks assistance from, provides assistance to and shares information with other Australian jurisdictions in the conduct of investigations. ACT Policing also regularly participates in joint operations with other jurisdictions, such as Operation RAID (Remove All Impaired Drivers) which involved police from the ACT, New South Wales, South Australia and Victoria in a joint operation in November and December 2005, and multi-jurisdictional exercises such as Mercury 05. It would not be practicable to provide figures on the number of times such inter-jurisdictional cooperation has occurred in any given year.

Canberra Centre—evacuation (Question No 983)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 8 March 2006:

- (1) Regarding the recent Canberra Centre evacuation on the evening of Friday 24 February 2006 "Civic evacuation", has the cause of the fire alarm been identified; if so, what was the cause;
- (2) Why were customers of the Canberra Centre made to pay for their parking tickets in an evacuation;

- (3) Do all shopping centres in the ACT that charge for parking have the discretion to charge customers even in the event of an evacuation; if so, why;
- (4) How long did the evacuation of the Canberra Centre take;
- (5) How long did the evacuation of the Canberra Centre car park take;
- (6) Is it acceptable that in the case of an ACT shopping centre emergency evacuation, customers must queue to pay for parking before they can exit the building; if so, why;
- (7) What guidelines exist to ensure that customers are able to quickly exit shopping centres in the event of an evacuation without the need for lengthy delays, such as paying for parking;
- (8) What is the Government doing in relation to all shopping centre parking areas to ensure that a situation where customers must pay for parking during an evacuation does not occur again.

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

- (1) Yes, the cause of the false alarm has been identified as a bird in the roof space setting off a "beam" fire detector.
- (2) This is an issue for the Canberra Centre Management.
- (3) This is an issue for the Centre Management of ACT shopping centres.
- (4) This is an issue for the Canberra Centre Management.
- (5) This is an issue for the Canberra Centre Management.
- (6) This is an issue for the Centre Management of ACT shopping centres.
- (7) Australian Standard 3745 "Emergency Control Organisation and Procedures for Buildings" provides guidance on procedures for evacuation and evacuation management.
- (8) I am advised that the ACT *Occupational Health and Safety Act 1989* contains provisions for employers to provide and maintain a safe means of access to and egress from the workplace, as well as provisions covering the safety of third parties located at or near that workplace.

**Ambulance service
(Question No 984)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 8 March 2006:

- (1) What was the level of Government funding for the ACT Ambulance Service for (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04, (e) 2004-05, and (f) 2005-06 year to date;

- (2) Does the level of funding in the Productivity Commission Report into Government Services 2004-05 have different figures from those listed in part (1) regarding the level of Government funding for the ACT Ambulance Service; if so, why;
- (3) What data is provided by the ACT Government to the Productivity Commission for the Report into Government Services in regards to ambulance funding and operations;
- (4) Why do Productivity Commission figures differ so significantly from those provided by the ACT Government and which figures are accurate in determining the level of Government funding for ACT Ambulance Services;
- (5) Is he able to say why the Transport Workers Union believes too much money was going towards the bureaucracy of the Emergency Services Authority (ESA) rather than towards front-line resources as reported in the Canberra Times 4/2/2006 Page 10;
- (6) What level of ACT Ambulance Service funding is directed to ESA processes that do not directly influence the operations of the ACT Ambulance Service and what are these funds directed towards.

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

- (1)
 - (a) Unable to isolate ambulance GPO from ESB appropriation
 - (b) Unable to isolate ambulance GPO from ESB appropriation
 - (c) Unable to isolate ambulance GPO from ESB appropriation
 - (d) \$9.195m
 - (e) \$11.006m
 - (f) \$11.559m
- (2) Yes. The Report on Government Services (ROGS) takes into consideration the cost of providing Ambulance Services. This cost also includes an overhead allocation for ESA support services such as Finance, Human Resources, Executive, Emergency Management, Training, Fleet, Stores and Communications.
- (3) The ESA responds to the productivity commission via a template provided by them. The template requests financial and operational data and a data dictionary is provided to the ESA providing guidelines of what is to be included and how it is reflected.
- (4) The amounts differ for the reasons provided in (2). Both figures are accurate. One reflects the direct cost of the Ambulance service and the other (ROGS) reflects both direct and indirect costs.
- (5) No
- (6) None

National Zoo and Aquarium (Question No 985)

Dr Foskey asked the Minister for the Environment (redirected to the Acting Minister for Economic Development and Business), upon notice, on 8 March 2006:

- (1) Did the consultants' report to the National Capital Authority (NCA) on the expansion of the National Zoo and Aquarium Centre recommend that the zoo and equestrian centre relationship be further investigated to investigate what, if any, mitigating measures may be adopted by the relevant authorities;
- (2) Has any further study been conducted into the impact of the Zoo expansion on current activities in the immediate region;
- (3) How will community organisations be involved in planning for public access, including equestrian, in the expansion and redevelopment of the Zoo;
- (4) Have the NCA and ACT Government conducted any consultation on site so that all potentially affected people can discuss the issues and inspect the boundary created by the 1:100 year flood line;
- (5) How will excluding development in the 1:100 year flood line guarantee horse riders' access at a distance far enough from the enclosures to ensure that horses (often carrying children and other learner riders) will not be disturbed by the sight and smell of the animals in the zoo.

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

- (1) Yes, Section 5.4.3 of the Report, concerning Adjacent Land Uses, included this statement. Section 7 of the Report, Further Investigation, subsequently provided the list of issues to be addressed through processes such as the amendment to the National Capital Plan and the Preliminary Assessment required for leasing purposes. This list included "continued use of the trails along the river corridor, and within Block 1502, for equestrian activities, including those on adjacent leases to the south west of the study area".
- (2) No
- (3) In December 2005 the National Capital Authority released Draft Amendment 52 to the National Capital Plan, seeking public comment on the specific land use proposal for the block identified for the Zoo expansion.

A Master Plan will also be required by the ACT Government to inform the Preliminary Assessment prior to the granting of a lease. This will be subject to public consultation.

- (4) No
- (5) Zoo development is excluded from the 1:100 year flood line due to practical considerations. It would not be desirable for the Zoo to develop and maintain land areas that are subject to flood hazard. This land is better incorporated into Open Space Park.

The Master Plan required to be prepared as part of the Preliminary Assessment process should determine the most appropriate use of fencing, plantings and setback distances for animal enclosures. Equestrian trail activity will be considered in making these determinations.

**Utilities—licenses
(Question No 986)**

Mr Smyth asked the Treasurer (redirected to the Acting Treasurer), upon notice, on 8 March 2006:

- (1) Did the Independent Competition and Regulatory Commission 2004-05 Compliance Report make reference to some inappropriate obligations and reporting difficulties; if so (a) what were these matters and (b) what was the response to these matters;
- (2) Have you received any complaints from utilities licensed to operate in the ACT about the compliance obligations that are placed on these utilities; if so, what has been the nature of these complaints and what action has the ACT Government taken to respond to these complaints;
- (3) Is any other action being considered to lessen the reporting burden placed on licensed utilities, particularly in view of the Commission's comment that reporting performance against some standards has proved difficult for licensees over the years;
- (4) Has the ACT Government considered evaluating the compliance requirements placed on licensed utilities to identify any unnecessary compliance issues;
- (5) Is he able to say what is the basis for the Commission's comment that it is pleased to see that the level of rebates paid has increased significantly over previous reporting periods, although still not to a level commensurate with the level of complaints made;
- (6) Is there any evidence that some complaints may not be valid;
- (7) What options are open to utilities to establish that a complaint may not be valid and that, therefore, a rebate may not be warranted.

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

(1) Yes.

(1a) The main difficulties related to the performance standards contained in the Consumer Protection Code and included:

- customer connection times;
- keeping agreed appointments;
- responding to customer complaints;
- response time to notify of a problem or concern;
- planned and unplanned interruptions to utility services; and
- water quality standards and sewage overflows.

More details are available in the paper prepared by the ICRC in May 2005, "*Consultation Draft: Variations to Consumer Protection Code*," accessible from the ICRC's website¹.

(1b) The Consumer Protection Code has been amended in response to the above matters. More details are available in the Explanatory Statement under the Utilities

(Variation of industry code Determination 2005 (No 2), available from the ACT legislation register's website.

- (2) No.
- (3) No further action is being considered at this stage by the ICRC.
- (4) A Review of the *Utilities Act 2000* conducted by the Government and a draft Report finalised in late 2005.
- (5) The ICRC's comment is based on the information provided in licensees' annual reports.
- (6) Yes, utilities investigate the validity of complaints as they arise. Of 1160 complaints in 2004-5 where compliance was recorded as relevant, the split between compliant / non compliant was 50:50.
- (7) When customers claim a rebate the utility investigates the complaint and decides whether it has failed to meet a rebatable performance standard imposed under the Consumer Protection Code. If the utility finds that there was no service standard failure, the rebate claim will be refused.

¹http://www.icrc.act.gov.au/_data/assets/pdf_file/17686/consultationdraftcpcvariationsforreleasemay05.pdf

Crime—assault (Question No 987)

Mr Smyth asked the Minister for Health, upon notice, on 8 March 2006:

- (1) In relation to presentations at the ACT's Public Hospital Emergency Departments for the October – December 2005 quarter, how many presentations were there of patients with injuries known or believed to be caused by assault;
- (2) What procedures are in place for liaising with police when patients present with injuries caused by assault;
- (3) Are counselling services offered to patients who present with injuries caused by assault.

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

- (1) The Canberra Hospital Emergency Department's information systems generally do not specifically record if an injury was related to an assault, though this may be recorded in the patient notes. However, for patients admitted to hospital following the Emergency Department attendance, as long as this information is gathered and recorded in the patient notes, it is possible to determine this number. During the period 1 October 2005 to 31 December 2005 there were 52 patients admitted to TCH and referred by TCH ED where injuries caused by an assault were noted on the patient record.
- (2) In most major assaults, the police are already aware before the patient presents to the Emergency Department. Where this is not the case, staff will contact the police at the request of the patient. Patients are encouraged to contact the AFP themselves. The AFP may be contacted by the Emergency Department Admitting Officer where the injuries are suspicious and the patient is unconscious.

If there is police involvement, liaison between police and social work may occur, particularly in relation to clarifying matters relating to family members, contact with/location of family members and social supports.

Under the provision of s404 and 405 of the ACT Children and Young People Act 1999 and ACT Health Child Protection Policy, Emergency Department staff are mandated to report any suspected non-accidental physical injury and/or sexual abuse of children and young people by completing the ACT Health Reporting Form for Care and Protection Services and contacting the Care and Protection Services Centralised Intake Service.

- (3) A Sexual Assault Flow Chart is available to staff in the triage area of the Emergency Department. The flow chart outlines the process for referral to Forensic and Medical Sexual Assault Care (FAMSAC), where a 24 hour counselling service is available. Referral can be made directly to FAMSAC on request by the patient.

The ACT Women's Health Service provides medical and counselling services for women who have experienced violence.

Hospital social workers are available to provide assistance to assault victims on an "as needed" basis.

For patients presenting with assault who are referred to Social Work:

- an assessment is made, and an intervention undertaken to respond to and support immediate requirements, including practical requirements [eg: contacting family]. This may not include counselling at this time due to the medical status of the patient. Best practice evidence indicates that immediately following assault patients are often in a state of shock and provision of 'psychological first aid support' compared with formal counselling is a more appropriate and effective intervention;
 - for patients admitted to hospital, ongoing intervention will reflect the requirement of the patient and may include counselling;
 - for patients discharged from ED or from an inpatient admission, the emphasis of Social Work is to ensure the patient is returning to a safe environment for either themselves and/or their family members. Information is provided to the patient of agencies able to provide follow-up and ongoing counselling support eg: Victim Services Scheme; Domestic Violence Services. Some patients are directly referred to these agencies. Patients may or may not act upon the information or the referral following discharge, as is their choice;
 - while this question has been asked in relation to the patient, Social Workers frequently extend this service to the family of the assault victim if they are present; and
 - the Child At Risk Health Unit provides medical and therapeutic counselling services for children and their families where abuse is suspected or has occurred. Medical services are provided at the time of notification of abuse if Care and Protection services make a request. The Child At Risk Health Unit provides ongoing counselling.
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**Breast cancer research
(Question No 988)**

Mr Smyth asked the Minister for Health, upon notice, on 8 March 2006:

- (1) What proportion of ACT Government funding is put towards breast cancer research;
- (2) What was the total amount of ACT Government funding (in dollar term) put towards breast cancer research in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004 05, and (e) 2005-06;
- (3) Noting the National Breast Cancer Federation's plans asking governments to match its planned funding boost to \$50m for breast cancer research, will the ACT Government increase its funding commitment to breast cancer research in 2006 07 and beyond; if not, why not; if so, by how much and when.

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

- (1) The ACT Government does not provide specific funding for breast research. However, in 1997 Government funding was provided to form "The ACT and South Eastern New South Wales Breast Cancer Treatment Group" project. This project collects information on patients treated for breast cancer, within the region. During the first few years of the project, the information collected was used predominantly to examine whether patients within the region were treated according to established guidelines but we are now entering a phase where the data can be used to assess the outcomes of patients with breast cancer treated within the region. This project employs a full time Project Officer and a full time Data Manager.

In addition to the above project, clinicians from surgery, Radiation Oncology and Medical Oncology have been involved in a number of clinical trials for patients with breast cancer. However, these trials are funded externally and not by Government. Some of the clinicians have also received research funding from outside agencies for specific research projects.

- (2) The total amount of funding for the above project was:

(a) 2001-02	\$ 154,593
(b) 2002-03	\$ 167,730
(c) 2003-04	\$ 181,586
(d) 2004-05	\$ 189,032
(e) 2005-06	\$ 195,234
- (3) With respect to the National Breast Cancer Foundation's plan to ask governments to match its funding for breast cancer research, the ACT will consider this proposal when it receives formal notification of the details.

**Actuarial services
(Question No 989)**

Mr Mulcahy asked the Treasurer (redirected to the Acting Treasurer), upon notice, on 9 March 2006:

- (1) Who provides actuarial services to the ACT Government;
- (2) If there is more than one actuary under contract to the ACT Government, with what departments or agencies does each actuary work;
- (3) What process is followed by the ACT Government to obtain actuarial services;
- (4) For how long do the current arrangements for obtaining actuarial services apply;
- (5) How often are actuarial reports prepared for the ACT Government in relation to (a) superannuation matters, (b) workers' compensation matters, (c) insurance matters and (d) other matters;
- (6) Are the reports outlined in part (5) prepared according to a timetable; if so, what is the timetable in relation to each department or agency;
- (7) Can the ACT Government request ad hoc reports to be prepared in addition to those required by the timetable;
- (8) Are actuarial reports made available to the public; if so, where are they available; if not, why not.

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

There are a number of actuaries who perform a varied array of services for the ACT Government, across a number of Agencies.

The attached table provides responses to all of the elements of the member's question. *(Copy is available at the Chamber Support Office).*

Parking—ticket machines (Question No 990)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 9 March 2006:

- (1) How many ticket machines are there in Government owned carparks and on-street in (a) Belconnen, (b) Braddon, (c) Civic, (d) Dickson, (e) Kingston, (f) Manuka, (g) Tuggeranong and (h) Woden;
- (2) What was the rationale behind the installation of paid parking in all streets and carparks in the Belconnen Town Centre;
- (3) What studies were undertaken to identify the possible impact on retail outlets and other services before the meters were installed;
- (4) If studies were undertaken, what was the outcome;
- (5) If no studies were undertaken, why not;
- (6) Has the Government reviewed the impact of its decision to install parking meters at any time since the installation program commenced; if so, what was the result of the review; if not, why not.

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

(1)	(a) Belconnen		(b) Braddon	
	On-street ticket machines	42	On-street ticket machines	Nil
	Ticket machines in carparks	37	Ticket machines in carparks	8
	On-street meters	Nil	On-street meters	261
	(c) Civic		(d) Dickson	
	On-street ticket machines	12	On-street ticket machines	Nil
	Ticket machines in carparks	64	Ticket machines in carparks	10
	On-street meters	441	On-street meters	79
	(e) Kingston		(f) Manuka	
	On-street ticket machines	8	On-street ticket machines	10
	Ticket machines in carparks	3	Ticket machines in carparks	5
	On-street meters	56	On-street meters	30
	(g) Tuggeranong		(h) Woden	
	On-street ticket machines	16	On-street ticket machines	Nil
	Ticket machines in carparks	20	Ticket machines in carparks	39
	On-street meters	Nil	On-street meters	178

(2) Extending pay parking into Territory parking spaces at the Belconnen Town Centre was part of the ACT Government's sustainable transport strategy, designed to encourage greater use of public transport, carpooling, cycling and walking to reduce greenhouse gas emissions and air pollution. The extension of pay parking also made parking arrangements in the Belconnen Town Centre consistent with other major centres in the ACT.

(3) In May 2002, the ACT Government announced as part of the 2002/03 budget that pay parking would be introduced into Territory carparks within the Belconnen and Tuggeranong Town Centres.

A detailed implementation plan was developed involving public consultation. Techniques used to engage the wide range of stakeholders included media releases, displays of proposed parking implementation plans, comment feedback sheets, two stakeholder workshops and meetings and discussions with individual stakeholders and groups.

(4) Relevant suggestions and comments from stakeholders were incorporated into the final implementation plan.

(5) Not applicable.

(6) No. The ACT Government considers it not appropriate to review the decision to implement pay parking into the Belconnen Town Centre.

**Tractors—purchases and contracts
(Question No 991)**

Mr Pratt asked the Minister for Urban Services (redirected to the Acting Minister for Urban Services), upon notice, on 9 March 2006:

- (1) Has the Department of Urban Services recently (a) purchased or (b) contracted the use of tractors for slashing of long grass within the ACT;
- (2) If the Department has recently purchased tractors, (a) how many were purchased, (b) when were they purchased, (c) what type were purchased, (d) what was the cost to the Government and (e) what are they being used for;
- (3) If the Department has recently contracted the use of tractors, (a) how many have been contracted, (b) how long are they contracted for, (c) what types have been contracted, (d) what was the cost to the Government and (e) what are they being used for.

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

- (1) (a) No tractors have been purchased.
(b) A total of ten new tractors were leased for a five-year period in May and July 2005.
- (2) (a) – (e) See 1(a)
- (3) (a) – (b) See 1(b)
(c) Seven were Landini 3385 models, one was a Landini Vision 95 and two were New Holland TC45DA.
(d) Annual lease payments on these ten tractors are \$117,767.56.
(e) The eight Landini tractors are being used primarily to slash grass. When not required for grass slashing they are used to assist in the renovation of ACT sports grounds and parks. The two New Holland tractors are being used for grass edging of roads and paths and are occasionally used to sweep cycle paths.

**Roads—glass panels
(Question No 992)**

Mr Pratt asked the Minister for Urban Services (redirected to the Acting Minister for Urban Services), upon notice, on 9 March 2006:

- (1) Further to the reply to question on notice No 740, what level of traffic noise attenuation do the perspex panels installed on Fairbairn Avenue provide;
- (2) Can the Minister identify noise levels (a) prior and (b) subsequent to the screen installations;
- (3) How was the noise attenuation measured and who conducted the testing;

- (4) What was the cost to the Government for travel expenses related to inspections of similar installations in Sydney and Melbourne as outlined in the answer to part (2) of question on notice No 740;
- (5) How many ACT Government employees attended the inspections in (a) Sydney and (b) Melbourne and how many inspections took place and where did they take place;
- (6) Did any individuals who are not ACT Government employees accompany the people identified in part (5); if so, (a) how many, (b) what is their relationship to those identified in part (5) and (c) were any of their expenses covered by the ACT Government;
- (7) Further to the reply to part (3) of question on notice No 740, (a) who was the design consultant for the project, (b) what other traffic noise attenuation options were investigated by the design consultant, (c) what was the estimated cost of each of the investigated options and (d) why were each of the options investigated not accepted as viable noise attenuation measures;
- (8) How many complaints have been made to the ACT Government regarding the noise attenuation panels.

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

- (1) The perspex panels satisfy the ACT guidelines covering traffic noise (traffic noise levels no greater than 58 dB in private open space at 1.0 metre inside the property boundary and 63 dB at 1.0 metre from building façade);
- (2) (a) Yes traffic noise levels were in the 63 –65 dB range. (b) Currently being measured;
- (3) Measured by the use of a noise logger for a period of 24 hours over 7 days. Prior testing conducted by Richard Higgies and Associates (an acoustic consultant) and subsequent testing in progress by Marion Burgess, an acoustic expert;
- (4) Nil;
- (5) (a) One during two private visit to Sydney and inspected at M5 Freeway, (b) One during a private visit to Melbourne and inspection of the South Eastern Freeway;
- (6) No;
- (7) (a) Brown Consulting ACT Pty Ltd, (b) concrete barriers, (c) preliminary estimate for perspex panels was \$350,000 and concrete option was not progressed further due to its aesthetics impact, (d) refer to (c);
- (8) Two reported directly to Roads ACT.

**Emergency Services Authority—communications systems
(Question No 993)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 9 March 2006:

- (1) In relation to the Firelink/Mac2 system, how long in a best case and worse case scenario does it take to get a status message and a GPS position through to the command centre from the field;
- (2) Are Firelink/Mac2 Mobile Units (MMU's) installed or planned to be installed at base stations or otherwise across the ACT as fixed infrastructure; if so, what has been or is planned to be installed and where will it be installed;
- (3) Is any other fixed infrastructure used for the Firelink/Mac2 system installed or to be installed in the ACT; if so, (a) what is being installed and (b) where is it being installed;
- (4) Given that it is understood that one of the advantages of the Firelink/Mac2 system is the ability to operate without fixed infrastructure, why is the installation of infrastructure or fixed MMU's taking place across the ACT and what weaknesses have been identified in the system;
- (5) If fixed assets or infrastructure has or will be installed, how much will it cost and who is responsible for the installations;
- (6) Is the Firelink/Mac2 system in use by the ACT Emergency Services Authority interoperable with systems in place within the NSW Emergency Services agencies; if not, why not;
- (7) If the Firelink/Mac2 systems are not interoperable, how do NSW and ACT services communicate when they are jointly responding to an emergency.

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

- (1) The technical characteristics and performance standards of the network have been designed to meet operational requirements. Responsiveness is actively managed during operations through communications planning and configuration management. Messages are generally transmitted within seconds though this time may vary depending on terrain in which resources are operating and consequent "line of sight" implications.
- (2) The same type of MMUs which are being installed in ESA vehicles are being installed at various existing ESA communication sites around the ACT. While these are not a system requirement, operational testing has demonstrated that this approach will significantly enhance the system, particularly in remote areas when only one or two vehicles are operating.
- (3) The expansion of ESA communications sites for the Trunk Radio Network will provide options for the installation of Firelink MMUs. Additional sites are being planned for Bulls Head, Mt Ginnini, Mt Clear and Mt Tennant.
- (4) The Firelink/Mac2 system does operate without fixed infrastructure. The installation of MMUs at ESA communication sites, while not essential, is a means of significantly enhancing the system in remote areas when only one or two vehicles are operating. This is not the result of weaknesses in the system.
- (5) Fixed infrastructure is not being installed. Costs are met as part of the overall project allocation approved in the Procurement Plan and installation of MMUs on ESA sites provides a cost and resource benefit by not requiring a relay vehicle to be deployed to a high point during small operations in particular. Installation will occur under normal ESA arrangements.

(6) A similar system is currently not in use in NSW. Interoperability during joint operations will be achieved by providing mobile terminals to vehicles and aircraft deployed in support of the ESA when required in the communications plan. Voice radio communications remain the primary means of interoperability during operations.

(7) See (6)

Commonwealth-state housing agreement (Question No 994)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 9 March 2006:

For the years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 projected, (i) how much funding agreed to under the Commonwealth State Housing Agreement (CSHA) was granted to the ACT, (ii) how much funding was granted to public/community housing as a condition of the CSHA, (iii) what are the specific details of the breakdown of CSHA funding between the Commonwealth and the ACT and (iv) what extra funding has been injected into public housing by the ACT Government and how has the funding been used.

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

The Table below provides details of the funding for Housing for the years 2001-02 to 2006-07, including the breakdown of the Commonwealth State Housing Agreement (CSHA) funding and that proportion of the funding attributable to community housing.

The Table also shows the additional funding provided by the Government for those years. The funds have been spent in accordance with the purpose for which they were appropriated, i.e. either to meet specific costs for devolved functions or to meet fire safety work requirements at the multi-unit properties or to acquire additional properties.

(Copy of the table is available at the Chamber Support Office).

Housing—waiting list (Question No 995)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 9 March 2006:

- (1) How many people were on the public housing waiting list in February (a) 2002, (b) 2003, (c) 2004, (d) 2005 and (e) 2006;
- (2) Of those listed in part (1) how many were (a) single, (b) part of a couple, (c) part of a couple with dependent children and (d) single parents with dependent children;
- (3) What was the average waiting period for applicants on the public housing waiting list in February (a) 2002, (b) 2003, (c) 2004, (d) 2005 and (e) 2006.

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

(1)	(a)	28/2/2002	3242	
	(b)	28/2/2003	3230	
	(c)	28/2/2004	3337	
	(d)	28/2/2005	3572	
	(e)	28/2/2006	3472	
(2)	(a)	28/2/2002	Single	1324
			Couple	212
			Couple with dependants	513
			Single with dependants	1193
	(b)	28/2/2003	Single	1347
			Couple	219
			Couple with dependants	459
			Single with dependants	1205
	(c)	28/2/2004	Single	1535
			Couple	190
			Couple with dependants	442
			Single with dependants	1170
	(d)	28/2/2005	Single	1583
			Couple	211
			Couple with dependants	462
			Single with dependants	1316
	(e)	28/2/2006	Single	1417
			Couple	191
			Couple with dependants	497
			Single with dependants	1367
(3)		28/2/2002	519 days	
		28/2/2003	584 days	
		28/2/2004	694 days	
		28/2/2005	731 days	
		28/2/2006	868 days	

Housing ACT—properties (Question No 996)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 9 March 2006:

- (1) How are plans progressing to transfer a portion of public housing stock to either the community housing sector or other community organisations;
- (2) If stock transfer is occurring, what cost savings will this generate for Housing ACT and how will the savings be re-invested into housing service delivery or further acquisition or actual building of new housing stock.

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

- (1) There are currently no plans to transfer a portion of public housing stock to the community housing sector or any other community organisations;
 - (2) N/A – see answer to (1)
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**Housing ACT—services
(Question No 997)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 9 March 2006:

- (1) Given that on 1 March 2006, during an interview on 666 ABC radio, the Minister indicated that the Stanhope Government has not yet ruled out the \$30 million 2004 election commitment for a capital injection fund that the Minister implied would facilitate the construction of around 90 public housing properties over three years, if this election commitment is not achievable due to budgetary constraints relating to forecast deficits for the next three financial years, what changes will the Minister be putting into place that would see improvements in service delivery for Housing ACT;
- (2) How is the Minister facilitating real cost savings in the portfolio area and ensuring greater re-investment of surplus funds into any Housing ACT capital works projects;
- (3) If the Minister cannot achieve any cost savings in the delivery of services in Housing ACT such as maintenance and tenancy management, what forms of private investment is he actively attempting to attract that will see more applicants, in greatest need, being allocated a public housing property.

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

- (1) Funding decisions are developed by Government in an annual Budget process. Irrespective, several initiatives are being implemented to improve service delivery in Housing ACT. These include the Joint Champions Group, which aims to foster greater consultation and participation by tenants in decision-making for public housing and the benchmarking of operations against other jurisdictions to assess likely areas for achieving efficiencies. In addition, the Government will be looking at the actions and responses from the recent Ministerial Housing Consumer Forum and Housing Summit to inform decision-making about improving service delivery;
 - (2) See above. It should also be noted that as a general principle any surplus cash generated from operations is re-invested into acquiring additional properties;
 - (3) At the recent ACT Ministerial Housing Summit, one of the sessions was devoted to investigating the options for attracting increased private sector involvement in the provision of housing assistance. This builds on the joint venturing arrangements for the development of the land at Lyons formerly occupied by Burnie Court and the redevelopment of Fraser Court.
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**Housing ACT—full market renters
(Question No 998)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 9 March 2006:

- (1) Given that over the coming years the number of full market renters who are Housing ACT tenants appears to be in decline due to a well-established policy of currently allocating public housing based on a set eligibility criteria, what other revenue or income streams is the Minister actively seeking to replace the approximately \$10 million worth of revenue generated by full market renters each year;
- (2) If no other form of revenue stream can be sought to replace the lost income from the declining number of full market renters, is the Stanhope Government considering sourcing supplementary income from consolidated revenue.

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

- (1) The reduction in market renters has slowed significantly over the past two years. This is due, in part, to tenants on rental rebates becoming market renters. The Government will continue to look at efficiencies within Housing ACT, as indeed we do with all our agencies.
- (2) There is no need for supplementary income from consolidated revenue at this point.

**Magistrates Court—corrections officers
(Question No 1000)**

Mr Stefaniak asked the Attorney-General, upon notice, on 9 March 2006:

- (1) When were the corrections officers at court moved;
- (2) Where are they currently situated;
- (3) Is it good policy to have corrections officers situated in court;
- (4) How many cases, up until 1 March 2006, have been adjourned because of the removal of the corrections officers out of the Magistrates' Court;
- (5) Has any money been saved from the Department of Justice and Community Safety budget as the result of this move; if so, how much; if not, has the move led to greater costs;
- (6) If the move has led to greater costs, what are the details of these increased costs.

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

- (1) The Court Liaison Unit (CLU) ceased operating on 8 July 2005.
- (2) The work undertaken by the Courts Liaison Unit has been absorbed by the Probation and Parole Unit (PPU) within ACT Corrective Services.

- (3) On the spot reports previously provided by the CLU are now prepared by a Report Writing Team within the PPU which has provided efficiencies. While these reports take approximately two to three weeks to complete due to the time required to collect the necessary information, they also provide the courts with a more thorough and in-depth assessment than could be conveyed through on the spot advice.
 - (4) There are no official records to indicate the number of cases adjourned while awaiting reports from the Probation and Parole Unit.
 - (5) The amount saved by the discontinuation of the CLU has been in the order of \$120,000 per year.
 - (6) Not applicable.
-

Judicial governance (Question No 1002)

Mr Stefaniak asked the Attorney-General, upon notice, on 9 March 2006:

Does the Government have a blue-print of how it sees judicial governance operating and working in the territory; if so, what are the details of such a blue-print.

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

The convention that the Executive is responsible for the administration and financing of the courts, with the judiciary responsible for the determination of cases, remains the fundamental principle of governance within the Territory.

The Courts Governance Committee will consider any proposals for a change to, or refinement of, the existing governance arrangements.

The Government recognises that collaboration is vital in effective governance arrangements and welcomes the participation of the heads of the ACT courts in regular meetings with the Executive.

Canberra Stadium—food prices (Question No 1003)

Mr Stefaniak asked the Minister for Sport and Recreation (redirected to the Acting Minister for Sport and Recreation), upon notice, on 9 March 2006:

- (1) Is it correct that at the first Brumbies game at Canberra Stadium for the 2006 season held on Friday 3 March beer was being sold at \$5 per unit and mixed spirits were being sold at \$9 per unit;
- (2) What are the current prices for food and beverages at Canberra Stadium;
- (3) Who is responsible for determining the prices for food and beverages at Canberra Stadium and which organisations have to agree to these prices before they can be charged to the general public.

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

- (1) No.
- (2) The 2006 food and beverage prices are:

<u>Hot Food</u>	
Fish and Chips	\$7.80
Hamburger	\$7.00
Chicken Wrap	\$6.80
Assorted Rolls/Steak Sandwich	\$6.20
Sandwich	\$5.20
Fries/Hot Dog	\$4.20
Pie/Sausage Roll	\$4.00
 <u>Drinks</u>	
UDL	\$7.50
Wine	\$5.20
Beer – 425ml	\$4.60
Beer – can	\$4.50
Beer – can (light)	\$4.40
Soft Drinks/Water	\$3.80

- (3) All prices are approved by the Stadiums Authority Board prior to the commencement of each playing season.

Government—publications (Question No 1004)

Mr Mulcahy asked the Chief Minister, upon notice, on 28 March 2006:

In relation to the March City Report, what was the cost of design, production and distribution of the publication "*ourcityourcommunitycanberra*".

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

The total cost, including design, production and distribution of the publication to 147,000 households was \$64,150.

Land—sales revenue (Question No 1006)

Mr Mulcahy asked the Treasurer (redirected to the Acting Treasurer), upon notice, on 28 March 2006:

What has been the revenue from duty on the sale or transfer of (a) residential and (b) commercial property in the ACT for (i) 2001-02, (ii) 2002-03, (iii) 2003-04, (iv) 2004-05 and (v) the estimate for 2005-06.

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

	Residential property	Commercial property	Total
	\$'000	\$'000	\$'000
2001-02	102,021	20,660	122,682
2002-03	127,706	23,380	151,086
2003-04	135,858	46,748	182,606
2004-05	112,583	27,348	139,931
the estimate for 2005-06	112,334	49,108	161,442

Notes to clarify the above data:

- The data excludes various accrual adjustments (eg. provision for refunds, provision for doubtful debts), hence they are different from the annual reports;
- 2001-02, 2002-03 and 2003-04 figures are based on tax collected data;
- 2004-05 figures are based on tax levied data;
- there was a change of IT system in 2004-05; and
- the estimate for 2005-06 figures are based on the mid-year review forecast.

Finance—audited outcomes (Question No 1007)

Mr Mulcahy asked the Treasurer (redirected to the Acting Treasurer), upon notice, on 28 March 2006:

What were the audited outcomes, under the Uniform Presentation Framework, for the General Government Sector using a Government Finance Statistics basis for (a) 2001-02, (b) 2002-03 and (c) 2003-04.

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

There are a number of key results under GFS reporting. These are presented in the following table.

	2001-02	2002-03	2003-04
	\$'m	\$'m	\$'m
GFS Net Operating Balance	8	12	-203
GFS Net Lending (+) / Borrowing (-)	79	154	-25
GFS Cash Surplus (+) / Deficit (-)	263	257	300
	30-Jun-02	30-Jun-03	30-Jun-04
	\$'m	\$'m	\$'m
GFS Net Worth	7,825	8,629	9,380
GFS Net debt	-1,358	-1,575	-1,869
GFS Net financial worth	2,319	2,941	3,372

Source: ABS Cat: 5512.0 Government Finance Statistics, Australia

**Sportsgrounds—shaded areas
(Question No 1008)**

Mr Mulcahy asked the Minister for Urban Services, upon notice, on 28 March 2006:

- (1) Are there any measures or programs in place to ensure the provision of more shaded areas around Canberra's playing fields to prevent sun damage to children waiting to participate in sports;
- (2) Have any measures been considered around Southside playing fields like Mawson, Gordon and Calwell to provide more shade for waiting players;
- (3) If no measures are in place or have been considered, will the Minister consider implementing a program to protect participants from the sun in summer months.

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

- (1) There are no current programs specifically directed at the provision of shade for children using ACT Government sportsgrounds.
- (2) No
- (3) It is acknowledged that shade is desirable but funding priorities generally lie with the provision of toilet facilities, lighting for training, and refurbishing ageing pavilion buildings to ensure that they can provide the basic amenities that users require.

**Housing ACT—crisis protocols
(Question No 1009)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 March 2006:

- (1) How has Housing ACT established any protocol in dealing with crisis situations faced by tenants;
- (2) If a protocol exists, what form of referral system is in place for Housing ACT staff to be able to refer tenants onto advocacy or support organisations.

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

- (1) Housing ACT has established referral protocols to support tenants in crisis situations with a range of organisations. These organisations include ACT Mental Health, Care and Protection Services, Emergency Relief Providers, Regional Community Service organisations and the Australian Federal Police.
 - (2) Housing ACT utilises Client Support Co-ordinators to broker support and negotiate referral to advocacy and support organisations for tenants with complex needs. Housing Managers are also able to refer tenants to relevant advocacy and support organisations.
-

**Housing ACT—legal advice
(Question No 1010)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 March 2006:

Has Housing ACT established any statements or memorandums of understanding with other housing sector organisations in the ACT to provide any legal advice or legal interpretation services for tenants.

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

The members question is unclear. Please clarify.

**Housing ACT—tenant participation programs
(Question No 1011)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 March 2006:

- (1) How has Housing ACT established Tenant Participation Development programs into departmental activities;
- (2) If tenant participation has been introduced and operating beyond the conceptual stage, how are staff trained to incorporate this practice into their work as a core practice.

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

- (1) The Joint Champions Group, and associated tenant participation activities, provides an ongoing mechanism for Housing ACT staff to engage with public housing tenants. In addition to 27 tenants, Housing ACT staff including Executives, Senior Managers, Housing Managers, and other staff spanning tenancy management and property services regularly attend meetings of the Joint Champions Group. Departmental staff, including Senior Executives, will have further opportunities to interact and engage with tenants at Regional Forums and joint training to be held during 2006.
 - (2) Training on tenant participation has been incorporated into the training program for Housing Managers. In addition, the Joint Champions Group has prioritised the need for joint training involving tenants, community organisations and Housing ACT staff. The training will take place in the second half of 2006.
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**Housing ACT—tenant participation programs
(Question No 1012)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 March 2006:

- (1) How has Housing ACT developed and resourced any tenant groups, involved in Tenant Participation Development programs, to (a) operate secretarial services, (b) maintain any office accommodation, (c) conduct meetings or forums and (d) provide reimbursement of costs associated with programs;

(2) Which tenant groups, if any, have received assistance for those services listed in part (1).

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

- (1) Housing ACT has not provided funds to any tenant group for secretarial services or office accommodation. A grant of \$5,000 has been provided to both the ACT Public Tenants Association Inc and the Association of Public Housing Tenants for operational expenses during the 2005-06 financial year, including expenses associated with meetings and forums and other related activities.
- (2) See above

Housing ACT—tenant participation programs (Question No 1013)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 March 2006:

Has Housing ACT taken any steps to resource and insert Tenant Participation Workers into the community to act as a conduit between public housing tenants and the department; if so, how are these workers coordinating events or providing feedback from tenants back to Housing ACT.

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

Housing ACT has referred the issue of Tenant Participation Workers to the Joint Champions Group for advice, in line with the department's response to the Raising Our Voice recommendations. To date the Joint Champions Group has not identified this issue as a short-term priority.

Disabled persons—housing (Question No 1014)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 March 2006:

How many of the 24 recommendations in the report entitled *Raising Our Voice*, by ACT Shelter and the Tenants Union on behalf of the Department of Disability, Housing and Community Services, have been (a) adopted and (b) implemented, by Housing ACT.

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

- (a) The department has 'agreed' or 'agreed in principle' with 20 of the 24 recommendations from the Raising Our Voice report.
 - (b) The Joint Champions Group, comprising public housing tenants and Housing ACT staff, have prioritised the implementation of the agreed recommendations and have endorsed a Tenant Participation Program to advance agreed priorities.
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**Disabled persons—housing
(Question No 1015)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 28 March 2006:

In relation to the report entitled *Raising Our Voice*, has Housing ACT taken any steps to implement Estate Agreements between the Department and any of the multi-unit complexes in the ACT; if so, (a) at which complexes has this occurred and (b) what success has Housing ACT had with the implementation of improved standards of service to these multi-unit complexes and enforcing the obligations of tenants to abide by their tenancy agreements with the Department.

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

Recommendation 2.2 of "Raising our Voice" was to establish multi-unit site agreements. This issue has been referred to the Joint Champions Group for advice, in line with the department's response to the Raising Our Voice recommendations. To date the Joint Champions Group has not identified this recommendation as a short-term priority.

**Firelink contract—tenders
(Question No 1016)**

Mr Pratt asked the Treasurer, upon notice, on 28 March 2006:

- (1) What role did the Government Procurement Board (GPB) play in the awarding of the contract, reference number 04/5654, for Provision of Firelink and Mac2 technology to Australian Technology Information Pty Ltd, the Firelink contract, GPB reference number 252/05;
- (2) What was the GPB's reasoning for endorsing a single select tender process for this contract;
- (3) Who were the members of the GPB at the time this tender was approved;
- (4) Was the GPB's decision to endorse a single select tender process a unanimous decision; if not, who dissented and what were their reasons;
- (5) Was the GPB aware that the original contract price of \$3.2million had the potential to grow to \$4.3million and what were the reasons provided to the GPB for this potential growth;
- (6) What major risks did the GPB consider to be associated with the procurement;
- (7) Was the GPB satisfied that there were adequate performance measures, such as timelines, benchmarks, milestones and the like, contained in the contract;
- (8) Was the GPB made aware of any other potential Australian providers of Firelink and Mac2 equivalents; if not, why not; if so, why did they endorse the single select process;
- (9) Does the GPB have any further role in the management of the Firelink contract.

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

- (1) The Board had no role in the awarding of the contract. It endorsed the procurement plan for the procurement process.
- (2) The ACT Emergency Services Authority Commissioner approved a single select tender process, as part of the procurement plan. The Board endorsed the plan as it was satisfied the requirements of the *Government Procurement Act 2001*, and its associated Guidelines and policies, had been met.
- (3) Public Sector: Messrs Glen Gaskill, Allan Eggins, and Peter Gordon.
Private Sector: Mr Stephen Pinter, Ms Linda Webb and Ms Glenys Roper.
- (4) Yes.
- (5) The Board's endorsement was for an estimated total consideration of up to \$4.5 million (including GST), including an allowance for contingency and in recognition that the contract was for a term of up to 5 years.
- (6) The Board required that the project be re-assessed as a "High" risk. The Board noted the risks identified by the Emergency Services Authority and also required the inclusion in the plan of a new potential risk to reflect the possibility that the "system provides false or inaccurate information", and amendment of the potential risks relating to the "system functionality not as per specifications" and "performance availability requirements cannot be met".
- (7) The Board did not see the contract. The Board was satisfied that the proposed process in the procurement plan of the contract being prepared by the Government Solicitor's Office was appropriate.
- (8) The information provided to the Board was that suppliers within the market place were very limited due to the specialised nature of the requirement and that ATI were the only local company that could meet the ESA requirements in its entirety.
- (9) The Board has no role in management of the Firelink contract.

**Policing—witness and victim statements
(Question No 1018)**

Mr Pratt asked the Minister for Police and Emergency Services (redirected to the Acting Minister for Police and Emergency Services), upon notice, on 28 March 2006:

- (1) Do witnesses or victims of crime who approach ACT police stations to make a statement need to make appointments to see an officer who will take their statements; if so, why;
- (2) Are records kept of the number of people being turned away from police stations when trying to make a statement; if not, why not;
- (3) How many people have been turned away from ACT police stations when attempting to make a statement in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date;

- (4) Are people turned away from making reports to police because there are limited staff available to take a statement; if so, why are sufficient resources not in place to address this issue.

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

- (1) No appointment is required for persons wishing to report a new incident. If the person is, however, seeking to make a statement in relation to an existing investigation it is appropriate that an appointment be made with the case officer.
- (2) No. Persons are not turned away from police stations when wishing to report a new matter. It may be that an appointment will be made for later attendance by police. If the person is, however, wishing to make a statement in relation to an existing investigation they may be requested to attend at a later time to speak with the case officer. It is not best practice for statements to be made to officers who have less than full knowledge of an investigation. In exceptional circumstances, such as limited availability of the witness or case officer, such statements will be taken by other officers after appropriate briefing in the matter.
- (3) None. Refer to the answer to question 2.
- (4) No. Generally mutually convenient appointments are made between the complainant/witness and the case officer/relevant member in order to maximise the efficiency of the process and quality of the statement.

Firelink contract—tenders (Question No 1022)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 29 March 2006 (redirected to the Treasurer):

Further to question on notice No 1016, did the Government Procurement Board place a ceiling on the value of the contract, reference number 04/5654, to Australian Technology Information Pty Ltd for Firelink technology; if so, what was the value of this ceiling; if not, why not.

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

1. The Board did not 'place a ceiling on the value of the contract'. The Board endorsed the procurement plan, as proposed by the ACT Emergency Services Authority, which included reference to an estimated total consideration of up to \$4.5 million (including GST).

As a matter of policy, the Board requires that it be notified by agencies of any contracts, over \$1 million, which exceed the estimated total consideration of the original procurement by 10% or greater. No notifications were received in regard to this project because the final contract value was within the original procurement plan estimate.

Industrial relations—bullying (Question No 1024)

Mrs Burke asked the Chief Minister, upon notice, on 29 March 2006:

- (1) Has a survey recently been conducted of the ACT Public Service on the issue of bullying and harassment in the workplace; if so, when and what were the results; if not, why not and would the Government consider such a survey across the ACT Public Service;
- (2) Given that a survey of the Victorian Public Service found 21% of employees had personally experienced harassment or bullying in the 12 months prior to the survey, is the ACT Government concerned about any similar trends in the ACT Public Service.

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

- (1) No. The ACT Government is currently considering undertaking a whole-of-government employee survey, which may contain questions relating to bullying and harassment.
- (2) The ACT Government is committed to providing workplaces free from harassment and bullying. The code of conduct for employees at section 9 of the *Public Sector Management Act 1994* requires Government employees to treat other employees with courtesy and not harass other employees.

**Traffic infringements—government vehicles
(Question No 1025)**

Mrs Burke asked the Chief Minister, upon notice, on 29 March 2006:

- (1) How many ACT Government plated vehicles are currently in use in the Territory;
- (2) How many traffic infringement notices were issued to ACT Government plated vehicles 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 fines accumulated by ACT Government plated vehicles in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;
- (4) How many of the infringements issued to ACT Government plated vehicles in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date were for (i) speeding, (ii) red light camera infringement and (iii) parking infringement;
- (5) Is the public servant who is authorised to drive a vehicle responsible for paying any traffic infringement notice; if so, has this always occurred and are there currently any outstanding payments for fines incurred in an ACT Government plated vehicle;
- (6) On how many occasions in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date have fines been issued to a public servant but it was not the public servant who was authorised to drive the vehicle that was driving the vehicle at the time the infringement occurred;
- (7) What disciplinary action is taken when this situation arises or occurs.

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

- (1) 1742 (1355 with "200" series numberplates and 387 with "BUS" numberplates).

- (2) (a) 242
 (b) 200
 (c) 207
 (d) 188
 (e) 180 to 10 April 2006. Note that this includes total numbers of infringement notices issued, as requested. It should be noted that 52 infringement notices issued in 2005-06 to emergency vehicles have been withdrawn to date. This is due to a change in practice regarding emergency vehicles that have emergency lights activated. In previous years, infringements were not issued to these vehicles. From 2005/06, at the request of the Emergency Services Authority, infringements are now issued, but later withdrawn following representations by the Authority that the infringement occurred during a genuine emergency.
- (3) (a) \$31,565
 (b) \$27,566
 (c) \$37,987
 (d) \$34,484
 (e) \$35,814 to 10 April 2006. Note that if total fines for all infringement notices issued in 2005/06 are included, this figure increases to \$96,814. This is due to the change in practice regarding emergency vehicles that have emergency lights activated detailed in the answer to part (2) of the question. 52 infringement notices (amounting to a total of \$61,000) have been withdrawn to date in 2005/06.
- (4) Note that the following information relates to speeding and red light camera infringements as per the Member's question. It cannot be compared directly with the information provided in response to part (2) of the question, which includes all infringements. Parking infringements are not considered traffic infringements, so are not included in the information provided in response to part (2) of the question.
- (a) (i) 80
 (ii) 123
 (iii) 370
- (b) (i) 59
 (ii) 106
 (iii) 317
- (c) (i) and (ii) 173. Note that for 2003-04 speed and red light camera infringements cannot be differentiated, so the total figure for both has been reported.
 (iii) 349
- (d) (i) 102
 (ii) 58
 (iii) 366
- (e) (i) 25 to 10 April 2006
 (ii) 124 to 10 April 2006
 (iii) 186 to 10 April 2006
- (5) Under Public Sector Management Standard 6, Part 3, Rule 2 "a driver is personally responsible for any breaches of ACT Road Transport Law if they are in control of a

vehicle and must pay any fine incurred.” This requirement has legislative force and has applied to all agencies and instrumentalities covered by the *Public Sector Management Act 1994* since the Rule was made in 1998. There is currently \$6,361 in outstanding parking and traffic infringement notices issued to Government plated vehicles, that have lead to either driver licence or right to drive sanctions. This is for the period 2001-02 to 2005-06 to date.

- (6) I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member’s question. Under Public Sector Management Standard 6, Part 3, Rule 1, an ACT Government vehicle must be made available for use by authorised personnel during normal working hours. The Standard provides that the use of a vehicle for official business must be approved by a Chief Executive. In most agencies, the Chief Executive has delegated this authorisation power in the interests of operational efficiency. In my Department, for instance, the power to authorise personnel to use a vehicle for official business has been delegated to senior executives and Senior Officer Grade A and B managers. To answer this question, it would be necessary to investigate, for more than 1000 infringements issued over the years in question, whether the particular driver had been authorised in that particular instance by the relevant manager or executive to use the vehicle for official business.
- (7) The unauthorised or inappropriate use of an ACT Government vehicle may be subject to disciplinary action in accordance with the provisions of the *Public Sector Management Act 1994*.
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Health—performance management (Question No 1026)

Mrs Burke asked the Minister for Health, upon notice, on 29 March 2006:

- (1) Has the ACT Health Performance Management Framework, launched in October last year, been implemented across all of ACT Health; if so, when was this process completed; if not, when will this process be completed;
- (2) Why was a Health Performance Management Framework not already in place;
- (3) Was the Health Performance Management Framework only prepared to ensure ACT Health is compliant with the accreditation process; if so, what, if any, procedures were in place for performance management previously; if not, (a) what procedures were in place for performance management previously, (b) what does the new Framework contribute that the old process did not and (c) why has the timetable for implementation been designed to align with accreditation requirements.

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

- (1) Implementation of the ACT Health Performance Management Framework commenced following its launch on 25 September 2005. The Framework applies across all of ACT Health. The roll out schedule will cascade down by staffing levels across ACT Health, commencing with the Executive, and is expected to be completed in 12 months.
- (2) Prior to the 2005 launch there were a number of different performance management arrangements in place across ACT health. It was considered appropriate to update and standardise the arrangements for the broader portfolio.

- (3) No. ACT Health is implementing its Performance Management Framework as part of The Canberra Plan, developed by the Chief Minister's Department in 2003. As previously mentioned it is also to update and standardise existing inconsistent arrangements across ACT Health.
- 3(a) Some work areas across ACT Health previously had their own performance management processes. These processes had different procedures and did not feed into an organisational wide approach. Nor was there any real correlation between performance management and outcomes from more recent planning processes.
- 3(b) The ACT Health Framework links performance management to a core set of organisational goals, department responsibilities, work areas tasks and specific job outputs. Additionally, this Framework identifies organisational and individual learning and development needs.
- 3(c) Accreditation timelines have been identified as milestones for monitoring the implementation of the ACT Health Performance Management Framework. The accreditation process is a useful tool to check how the organisation is travelling so there is some logic in adjusting goals following outcomes from the accreditation process.

Health—sudden infant death syndrome (Question No 1027)

Mrs Burke asked the Minister for Health, upon notice, on 29 March 2006:

- (1) Noting that in the 2001-02 Budget a total of \$412 000 was allocated to the Department of Health for “Sudden Infant Death Syndrome Funding” were all funds expended in (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05; if not, why not;
- (2) Did ACT Health or Sids and Kids ACT administer the program;
- (3) What was achieved for the \$412 000 expended over the four year period;
- (4) Was the funding provided to Sids and Kids ACT each year from 2002-03, as indicated in your response to question on notice No. 943, allocated through a grants program; if so, which grants program; if not, what section of the ACT Health budget does this funding come from;
- (5) Does the funding allocated under this Government replace the funding program administered by the former Government in 2001-02 or is it in addition to that program.

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

- (1) The Member is correct in noting that a total of \$412,000 over four years was allocated to *Sudden Infant Death Syndrome Funding* as an additional appropriation in the 2001-02 Budget. The Member may care to also note that the 2001-02 Budget allocation and associated forward estimates were made under the last Budget of the Government of the Fourth Assembly. Subsequent Budget allocations under the Government of the Fifth and Sixth Assemblies vary from the figures Ms Burke refers to, so that the actual amount allocated to *Sudden Infant Death Syndrome Funding* between 2001-02 and 2004-05 was \$440,251.

All of the funds identified for *Sudden Infant Death Syndrome Funding* over this period were expended by the Government through a service funding agreement between ACT Health and SIDS and Kids ACT. Further, I can assure the Member that financial statements provided by SIDS and Kids ACT to ACT Health under the terms of the service funding agreement indicate that SIDS and Kids ACT expended the entire amount of the purchase price in support of the agreed activities.

- (2) The entire sum of the Budget line allocated to *Sudden Infant Death Syndrome Funding* is directed to SIDS and Kids ACT through a service funding agreement.
- (3) As noted above, the Member's queries regarding the sum of \$412,000 over four years budgeted by the previous Government for *Sudden Infant Death Syndrome Funding* fails to account for the fact that \$440,251 has actually been provided to support people in the ACT living with the loss of an infant, child or young person.

In terms of what was achieved for this expenditure, the activity statements provided under the terms of the service funding agreement between SIDS and Kids ACT and ACT Health indicate that between 2001-02 and 2004-05 SIDS and Kids ACT provided:

- The distribution of 40,819 brochures on SIDS to hospitals, GPs, community health clinics and other appropriate locations;
- Telephone support for 2,670 callers enquiring about SIDS and the support available for families affected by the loss of an infant, child or young person;
- The delivery of seminars to 1,208 persons on safe infant sleeping and SIDS;
- The delivery of seminars in schools to 961 young people on safe infant sleeping and SIDS
- The training of 125 volunteer support workers to effectively support bereaved families;
- The provision of 2,796 hours of bereavement support to families affected by the loss of an infant, child or young person;
- The provision of 684 hours of counselling to families affected by the loss of an infant, child or young person;
- The provision of 358 hours of advocacy on behalf of families affected by the loss of an infant, child or young person;
- The provision of training to 297 police, emergency workers and other staff who work with families who have lost an infant, child or young person; and,
- The provision of free, handmade coffins and burial clothing as required by bereaved families.

- (4) The funding provided to SIDS and Kids ACT each year from 2002-03, as indicated in my previous response to Question on the Notice No. 943, is not provided as grant funding. As indicated above, SIDS and Kids ACT holds a service funding agreement with ACT Health. This agreement is managed through the Policy Division of ACT Health.
- (5) The allocation under the current Government for *Sudden Infant Death Syndrome Funding* is not in addition to the funding program administered by the former Government, nor does it replace it. The current allocation is a continuation of the program administered by the former Government, with a substantial increase in the total amount of support offered to bereaved families through this funding.

**Psychiatric Services Unit—security
(Question No 1028)**

Mrs Burke asked the Minister for Health, upon notice, on 29 March 2006:

- (1) Are there any security cameras in the Psychiatric Services Unit (PSU) monitoring inpatients to reduce the risk of self harm or escape; if so, how many and where are they located; if not, why not;
- (2) Have any concerns been raised in the last 12 months by nursing staff at the PSU about lack of security cameras to monitor patients;
- (3) Is it the case that nurses at the PSU have recently been required to undertake additional checks of PSU patients in an effort to increase monitoring of patients; if so, has ACT Health or the Minister received any complaints about this increasing the workload of nurses;
- (4) How many checklists are nurses required to fill out each shift and what is the average length of each nursing shift in the PSU;
- (5) Is there a requirement for checklists to be prepared on paper as well as electronically; if so, has ACT Health or the Minister received any complaints about this increasing the workload of nurses;
- (6) If there is a requirement for checklists to also be prepared electronically, does this take nursing staff away from other practical duties or their patients longer than previously;
- (7) Have nursing staff at the PSU raised concerns about any increase in workload in the last 12 months; if so, how have you addressed these concerns;
- (8) Is the Minister satisfied that there is enough monitoring of patients in the PSU, either by security camera or by nursing staff.

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

- (1) There are four security cameras located in the Psychiatric Services Unit (PSU) at Canberra Hospital. They are located at the front door, inside the vestibule adjacent to the main entrance, at the link door connecting the Unit to the Main Hospital and at the entrance of the Assessment Unit. The cameras are used to identify people wanting to enter or leave the unit. The use of cameras to monitor consumers in the Unit would not be therapeutic and may add to the distress of consumers.
- (2) Mental Health ACT (MHACT) has not been made aware of any concerns by nursing staff to monitor consumers in the PSU via security cameras.
- (3) Following Coronial Recommendations and the Mann-LaRoche Review of the PSU at the Canberra Hospital a new risk assessment tool (CRA) was developed for utilisation in the PSU. This establishes the 'at risk' category (ARC) for the consumer and the level of observation required. Some nursing staff report that it is time consuming process, but all staff recognise that the ARC process is essential to effectively caring for consumers while in the unit under their care. Time management and workload issues continue to be monitored and resolutions developed in consultation with staff, management and relevant industrial organisations.

- (4) Nursing staff on the Unit conduct checks on the consumers as per the ARC checklist. One nurse from the shift ending and one from the commencing shift, conduct an environmental audit in the High Dependency Unit at the commencement of each shift. Two registered nurses check the S4 and S8 medications at the beginning and the end of each shift. Nurses also enter nursing notes for each consumer under their care for each shift. The shifts for nursing staff are in accordance with the ACT Public Sector Nursing Staff Agreement 2004-2007. (i.e. morning and evening shifts are 8 hours and night shift is 10 hours).
 - (5) Checklists such as the ARC score are generally done on paper. Reports and clinical notes are entered via an electronic system.
 - (6) There is no requirement to prepare checklists electronically as well as on paper.
 - (7) Nursing workload fluctuates depending on the acuity of the consumers admitted to the unit. Workload issues have been raised by staff and, together with their industrial representatives and management, a process has been agreed to address and manage these issues.
 - (8) Yes. Nurses on the unit provide holistic care and offer support, medication and therapies to alleviate the symptoms of the consumer's illness. The emphasis is on a therapeutic intervention not custodial care. Consumers are managed in the least restrictive and intrusive manner allowable, based on assessment to ensure the safety of the consumer and the wider community.
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Health—breastfeeding (Question No 1029)

Mrs Burke asked the Minister for Health, upon notice, on 29 March 2006:

- (1) Further to your response to question on notice No 904, what are the ten workplaces that have currently received Australian Breastfeeding Association accreditation in the ACT;
- (2) Is the Minister disappointed with such a low figure for the number of business accredited; if not, why not;
- (3) What is the Government doing to encourage more businesses to receive accreditation.

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

- (1) According to the Australian Breastfeeding Association's website, the ten workplaces that have currently received Australian Breastfeeding Association accreditation in the ACT are:
 - Queen Elizabeth II Family Centre;
 - Australian Government Department of Treasury;
 - Calvary Hospital;
 - Department of Health and Ageing;
 - Department of Families, Community Services and Indigenous Affairs;
 - Department of Education, Science and Training;

- Department of Prime Minister and Cabinet;
- Department of Foreign Affairs and Trade;
- Royal Blind Society;
- John James Memorial Hospital.

ACT Health has completed all the necessary prerequisites for accreditation including inspection of workplace facilities and payment of the appropriate fees. The process is now waiting on the completion of formal paperwork by the Australian Breastfeeding Association (ABA).

- (2) Of course a greater number of accredited workplaces would be pleasing, although it should be noted that workplaces may provide all the appropriate facilities to support breastfeeding in the workplace without having participated in the formal ABA process. Accordingly the number of workplaces that hold accreditation may not reflect the number of workplaces that support the right of workers to breastfeed in the workplace.

I am however encouraged by the fact that workplaces are beginning to take up their responsibilities to support breastfeeding workers. When the Fifth Assembly was formed in 2001, there were no ABA accredited workplaces in the ACT. Since then, 10 major workplaces have acquired accreditation and ACT Health is operating within the requirements for accreditation with only the formal process to be completed. I am confident that the number of accredited workplaces will continue to increase.

The Member may also wish to note that the 10 ABA accredited workplaces in the ACT represent a third of all the ABA accredited workplaces in Australia. This indicates that while there is still a great deal of work to do in encouraging breastfeeding friendly workplace practices, employers in the ACT are far more willing to recognize their obligations in this area than employers in other States and Territories.

- (3) In reply to Question on the Notice No. 904 from Mr Smyth MLA on this same topic, I identified a number of efforts that the Government is undertaking to boost the number of Breastfeeding Friendly Workplaces in the ACT.

In terms of what the Government is specifically doing to encourage more businesses to receive accreditation, many of the same initiatives apply. The Member may be aware from my previous reply that in 2004, the ACT Government released the policy *Expectant and New Mothers, ACT Workplaces: A guide for employers and employees*. I must emphasise that this policy release was not intended solely for use by Government agencies but was intended to provide guidance for employers and employees in the ACT generally. This policy emphasised the basic facts that all women have the right to breastfeed in the workplace if they choose, and that employers have an obligation to facilitate women's ability to do this.

As I noted in my previous reply to Mr Smyth, ABA accreditation is a good way for employers to demonstrate their commitment to breastfeeding and the Government would strongly encourage businesses in the ACT to consider demonstrating their commitment in such a way. However as I noted above, it is entirely possible that many businesses do support the rights of women to breastfeed in the workplace and provide all the staff supports necessary to achieve accreditation, and yet these workplaces have chosen not to seek accreditation.

**ACT Health—accreditation
(Question No 1030)**

Mrs Burke asked the Minister for Health, upon notice, on 29 March 2006:

- (1) How many areas of ACT Health will undergo accreditation this calendar year;
- (2) What (a) are those areas as listed in part (1) and (b) type of accreditation will they undergo;
- (3) Does the Minister expect all areas to receive full accreditation; if not, why not and which areas are of concern;
- (4) What, if any, improvements are currently being made to achieve accreditation and why weren't these measures put in place well before the accreditation period.

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

- (1) Four.
- (2) The four divisions undertaking the Australian Council on Healthcare Standards (ACHS) EQuIP Accreditation are Mental Health ACT, Corporate Office, The Canberra Hospital and Community Health.
- (3) Areas are expected to receive accreditation.
- (4) The ACHS EQuIP Accreditation has been designed to establish an effective continuous improvement program within a service. The EQuIP process includes an onsite evaluation of the implementation of the quality improvement programs by an external review team aimed at identifying the level of congruence between practices and quality standards. It also looks for evidence of improvement in areas identified in previous surveys and assessments.

As ACT Health continually strives to improve its service through continuous quality improvement activities, it therefore views accreditation as a time to take stock of achievements to date and to identify areas for further improvement. Therefore in preparing for accreditation additional areas for improvement may be identified that will be incorporated into the ongoing planned continuous improvement program.

**Housing ACT—tenant participation
(Question No 1031)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 29 March 2006:

What is Housing ACT doing to assist the ACT Public Tenants' Association (ACTPTA) Inc to develop processes that enables a tenant to submit individual problems or issues, via the ACTPTA, and to establish a structure that assists Housing ACT to receive feedback.

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

Housing ACT has provided \$5,000 to the ACT Public Tenant's Association Inc to assist with operational expenses for 2005-06 financial year. The Association is also eligible to apply for a further Tenant Initiated Grant under the Community Linkages Program and other funding programs. Representatives from the ACT Public Tenant's Association Inc are also actively involved in the Joint Champions Group.

Housing ACT—vulnerable tenants (Question No 1032)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 29 March 2006:

What policies and procedures does Housing ACT have in place to check on elderly, frail or vulnerable tenants in public housing properties to monitor their health and wellbeing to ensure they receive support services or are not left in an isolated position.

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

Housing ACT has active partnerships and referral protocols in place with a range of government and community organisations regarding the provision of appropriate support services. This includes through the Community Linkages Program and Aged Care Workers in Regional Community Services. Housing ACT also utilises Client Support Co-ordinators to broker support and negotiate referral to advocacy and support organisations for elderly, frail or vulnerable tenants in public housing properties.

Housing ACT has recently arranged for the Australian Red Cross Client Assessment Unit, a service which offers support to socially isolated residents, to provide two information sessions for Housing Managers. The sessions will provide staff with information regarding the services offered and the referral process. Information regarding the service will then be promoted and explained to tenants during Customer Service Visits where it is identified that elderly, frail or vulnerable public housing tenants may be socially isolated.

Housing ACT aims to undertake a Client Service Visit to every public housing tenant each year. The Client Service Visit allows face-to-face contact with tenants and assists in identifying social support needs.

Disabled persons—housing (Question No 1034)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 29 March 2006:

How many Disability Group Homes, operated by Disability ACT, have (a) closed since 2001 and (b) had reduced occupancy rates since 2001 to date.

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

- (1) (a) No Group Homes operated by Disability ACT have closed without a replacement property being opened or individuals electing to transfer to private tenancy and/or support arrangements. The net number of group homes has in effect increased by

approximately 6 homes since 2001 as larger Group Homes have devolved into smaller configurations.

(b) Disability ACT does not calculate occupancy rates at an individual house level as the number of residents residing at a location is determined by the support levels available, the compatibility of residents, and the support needs of individuals at each location, not the number of vacant rooms. Disability ACT has deliberately reduced the “occupancy level” in some group homes to ensure a more person centred and tailored service. The number of individuals supported within the service has however remained constant except where individuals have elected to use their funding allocation to transfer to alternate service providers.

Policing—traffic enforcement (Question No 1039)

Mr Pratt asked the Minister for Police and Emergency Services (redirected to the Acting Minister for Police and Emergency Services), upon notice, on 30 March 2006:

- (1) Further to an article in the Canberra Times on 29 March 2006, page 5, entitled “Police to keep House traffic in order”, how many ACT police officers and/or patrols will be allocated or dedicated to (a) traffic enforcement, (b) radar speed detection and (c) random breath testing within the Parliament House precincts;
- (2) From what date will the patrols operate and for what length of time;
- (3) If this is a short term project, for what duration will this project operate;
- (4) Is this request for patrols within the Parliament House precincts taking precedence over other local ACT suburban traffic operations; if so, why;
- (5) Will there be less resources dedicated to other ACT police traffic enforcement duties; if so, why is the Minister allowing this to occur;
- (6) What will the cost be to the ACT Government or ACT police for providing this extra service to the Parliament House precincts, at the invitation of the Department of Parliamentary Services;
- (7) Will similar traffic enforcement projects be carried out at other reported traffic abuse zones at the invitation of concerned residents; if not, why not.

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

- (1) (a), (b) and (c) The new arrangements referred to in the Canberra Times article permit ACT Policing members to conduct traffic operations on public roads within the Parliamentary Precinct without prior approval of the Presiding Officers of the Commonwealth Parliament. As with all public roads in the ACT, resources will be allocated to traffic operations within the Parliamentary Precinct as required on a priority basis. This priority will be determined by ACT Policing’s intelligence-led approach to all aspects of policing, including the targeting of unacceptable driving behaviour.
- (2) The arrangements referred to in the Canberra Times article will apply from 3 April 2006 and will continue, in the same manner as all public roads in the ACT, as long as the road in question is open to traffic.

- (3) This arrangement is not a short-term project but is part of routine ongoing business for ACT Policing.
- (4) No.
- (5) No.
- (6) Under the arrangements referred to in the Canberra Times article, police will be able to more efficiently police traffic on public roads in the Parliamentary Precinct as they will not have to seek prior approval to do so. This represents a saving in ACT Policing resources, not an additional impost.
- (7) See the answer to question 1 above.

Policing—forensic officer (Question No 1041)

Mr Pratt asked the Minister for Police and Emergency Services (redirected to the Acting Minister for Police and Emergency Services), upon notice, on 30 March 2006:

- (1) Further to an article which appeared in the Canberra Times on Saturday, 18 March 2006, page 10, entitled “Forensic Medical Officer Panel”, why is the Australian Federal Police (AFP) requesting a tender for a Forensic Medical Office Panel for ACT Policing;
- (2) How many forensic officers are expected to be hired for the panel;
- (3) Has the request for tender arisen since the signing of a new Police agreement; if so, what in the new police agreement has caused the AFP to request a tender for forensic officers;
- (4) Is the new ACT Policing agreement finalised and available for public viewing; if not, when will it be available;
- (5) What is the date that the Policing agreement was signed and if it has not been signed, why not and when will it be signed;
- (6) Are the current forensic services supplied to ACT Policing by the AFP unsatisfactory; if so, why; if not, why is a new forensic panel warranted.

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

- (1) In accordance with Commonwealth Procurement Guidelines the AFP is required to conduct a formal tender process for expenditure over \$80,000. In the interest of fulfilling this requirement and ensuring best value for money the AFP has conducted an open tender for these services on expiry of the existing arrangements.
- (2) The successful tender is requested to provide 24/7 on-call coverage. It will be the responsibility of the prospective tenderer to specify requisite staffing.
- (3) The request for tender has not arisen since the signing of a new Policing Agreement. The tender is designed to replace an existing arrangement. Please see the response to question 1 for clarification regarding a formal tender process.

- (4) No.
 - (5) The ACT Government and ACT Policing are currently negotiating the new Purchasing Agreement.
 - (6) See the response to question 1.
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**Policing—emergency calls
(Question No 1042)**

Mr Pratt asked the Minister for Police and Emergency Services (redirected to the Acting Minister for Police and Emergency Services), upon notice, on 30 March 2006:

- (1) What is the cost of calling the police contact number 131 444 from a (a) home and (b) mobile phone;
- (2) Is it possible for callers to 131 444 to receive a reimbursement for the cost of their call if they request it; if so, what must a caller who wishes to apply for a reimbursement do; if not, why not;
- (3) If a call is placed from a mobile phone and the caller is put on hold for a significant amount of time, adding considerably to the cost of the call, is it possible for the caller to receive compensation for the extra cost associated with being put on hold; if so, what must the caller do in order to apply for this compensation; if not, why not;
- (4) How many calls were placed to 131 444 in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date;
- (5) Are all call times placed to 131 444 recorded; if so, what was the average call time in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date; if not, why not;
- (6) Is the length of time a caller is placed on hold when calling 131 444 recorded; if so, what was the average length of time a caller was placed on hold in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date; if not, why not;
- (7) Given that the 131 444 police number is an essential community service, has consideration been given to making this a free-call number; if so, will the number be made a free-call number; if not, why not;
- (8) Does ACT Policing receive any revenue from calls placed to the 131 444 police contact number; if so, (a) why and (b) how much does it receive each year.

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

- (1) (a) A call from any landline number to 131444 is subject to any established fees by the service carrier associated with that landline.
(b) The fee for a call from a mobile phone is determined by the caller's service provider.
- (2) It is not possible for callers to seek reimbursement for the cost of their call.
- (3) See the response to question 2.

- (4) Please note that data is not available prior to January 2003.
- | | |
|--------------------------------|--------------|
| (a) January 2003 to June 2003 | 38,350 calls |
| (b) July 2003 to June 2004 | 78,759 calls |
| (c) July 2004 to June 2005 | 85,106 calls |
| (d) July 2005 to February 2006 | 65,675 calls |
- (5) ACT Policing did not have the facility to record calls to 131444 prior to August 2005. ACT Policing now employ a PABX system referred to as 'Q-Master', which facilitates the management and tracking of incoming calls to the ACT Policing Communications Centre. The average duration of calls to 131444 from August 2005 to February 2006 was one minute and 45 seconds.
- (6) Calls to 131444 are queued for delivery to the first available operator, with the longest waiting call taking precedence over other incoming calls. As per question 5, ACT Policing employ the Q-Master system and the average queue time of calls to 131444 from August 2005 to February 2006 was one minute and nine seconds.
- (7) No consideration has been given to making 131444 a free-call number. ACT Policing incurs costs through the provision of the 131444 number, as telephone numbers prefixed with 13 are designated for business use only.
- (8) See the response to question 7.

Emergency Services Authority—corporate dress (Question No 1043)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 30 March 2006:

- (1) Which employees of the Emergency Services Authority (ESA) are issued with corporate dress;
- (2) If some employees of the ESA are not issued with corporate dress, why not;
- (3) On what occasions is corporate dress required to be worn and can corporate dressed be worn on other occasions;
- (4) In relation to items of corporate dress worn by ESA employees, (a) what is the cost and (b) how many of each item are held by the ESA or by ESA employees for (i) shirts, (ii) pants, (iii) jackets, (iv) leather jackets, (vii) hats, (viii) shoes, (ix) socks, (x) badges and (xi) medals;
- (5) What was the total cost to the ESA for all purchases of corporate dress during 2004-05;
- (6) Does the ESA pay for the cleaning of the corporate dress; if so, what was the cost to the ESA for this cleaning during 2004-05.

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

- (1) Corporate dress is issued to full time employees of ESA, as well as some employees who are on a contract that is of more than twelve months, although generally those who wear

operational uniforms are not issued with corporate dress. Currently 61 employees are issued with corporate dress.

- (2) Some employees choose not to wear corporate dress, temporary employees are not issued with corporate dress and those who are issued with operational uniform are not necessarily issued with corporate dress.
- (3) Under the uniform policy, employees are encouraged to wear the corporate uniform on a daily basis, however, it is not compulsory with the following exceptions:
- a) In the event of an escalated or prolonged emergency incident;
 - b) In the event of a planned emergency services exercise;
 - c) When it is reasonable to expect there will be increased media interest in the activities of the ESA;
 - d) When representing the ESA, regardless of whether within or outside of normal working hours; and
 - e) Any other time at the discretion or direction of the Commissioner or a member of the Executive.

The private use of ESA corporate dress is not permitted at any time unless approved in clause e) above

- (4) (a) (i) \$50.05 each
(ii) \$74.25 each
(iii) \$168.30 each
(iv) Not issued as part of corporate dress
(vii) Not issued as part of corporate dress
(viii) Not issued as part of corporate dress
(ix) Not issued
(x) Not issued
(xi) Not issued
- (4) (b) (i) Nil stocks held – 3 items issued to eligible employees
(ii) Nil stocks held – 2 items issued to each eligible employees
(iii) Nil stocks held – 1 item issued to each eligible employee
(iv) Not applicable
(vii) Not applicable
(viii) Not applicable
(ix) Not applicable
(xii) Not applicable
(xiii) Not applicable
- (5) Approximately \$52,600.
- (6) No
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