



# Debates

## WEEKLY HANSARD

Legislative Assembly for the ACT

## SIXTH ASSEMBLY

**21 SEPTEMBER 2006**

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**Thursday, 21 September 2006**


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# Thursday, 21 September 2006

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

## Petitions

*The following petitions were lodged for presentation:*

### Schools—closures

*By* **Ms Porter**, *from 117 residents:*

**TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly:

- the long-standing importance placed on preservation of Cook Primary School by the ALP's ACT Branch, as evidenced in a letter dated 8 February 1991 from Rosemary Follett, then Labor leader, to the then President of Cook P&C Association, in which Ms Follett states:

"I write to assure the Cook community of the ALP's commitment to re-open Cook Primary School… We are as much concerned for the long term role of the school as for the immediate re-opening… The Cook community can be assured of the support of the Labor Party in aiming to provide the best possible education system for their children. The retention and provision of neighbourhood schools is essential to that aim."

- that Cook Primary School remains a school of the highest quality, superbly serving both its immediate community and the wider ACT education community in the following respects, among others:

1. One of few schools in the ACT operating at near capacity—91 per cent full;
2. Cost-effective and exhibiting all the qualities of good schools expressed in the *Towards 2020* vision including modern educational infrastructure and a tightly integrated P-6 education;
3. Providing a supportive learning environment for students from diverse backgrounds with a range of educational needs, especially ESL students and children with learning difficulties;
4. A successful model of integration of schooling and private and community leasing with tenants including the ACT Playgroups Association and the Canberra Youth Ballet School

**Your petitioners request the Assembly** to note both the sustained history by which Cook Primary School has been recognised as, in effect, a jewel in the crown of ACT education and the very high value of Cook Primary School to the Cook community, the Belconnen community and the ACT community.

**Your petitioners therefore also request the Assembly** to resolve, firstly, to press the present ACT government to recognise the importance of rescinding the current

proposals for the closing of ACT schools, including Cook Primary School; and, secondly, to institute an inquiry into means by which continuing and increasing advantage is taken of the excellence of the ACT's public schools.

### Hawker—dog exercise area

*By* **Ms Porter**, *from 315 residents:*

**To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: dog owners who are residents of Hawker or Weetangera are currently being disadvantaged by the siting of dog "off-leash" areas that are positioned in areas that are either dangerous, ill-thought out, or situated so that they are difficult to reach for residents wishing to use dog-walking as a means of physical recuperation or the maintenance of levels of health appropriate to current standards.

Your petitioners therefore request the Assembly to: institute changes to permit that strip of land between the rear fences of the houses in Hawker backing onto the Pinnacle Reserve and the wire fence of the Reserve itself, stretching from Springvale Drive to William Hovell Drive, to be deemed an area suitable for dogs to be walked "off-leash".

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy of each referred to the appropriate minister, the petitions were received.*

## Duties Amendment Bill 2006 (No 2)

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (10.32): I move:

That this bill be agreed to in principle.

The Duties Amendment Bill 2006 (No 2) provides further tax relief to the ACT business community. Under the intergovernmental agreement on the reform of commonwealth state financial relations (IGA) which underpins the introduction of the GST, the states and territories agreed to cease the application of certain business taxes. The ACT fulfilled this commitment by abolishing financial institutions duty in 2001, duty on quoted marketable securities in 2001, debits tax in 2005 and duty on non-real core business assets on 1 July 2006.

The IGA also committed the states and territories to review the need to retain other specified business taxes. The outcome of the ACT review was the package of tax reform

measures announced in the 2005-06 budget. The last three taxes in this package to be abolished are duty on rental arrangements, by 1 July 2007; lease duty, by 1 July 2009; and duty on unquoted marketable securities, by 1 July 2010. Although the abolition dates vary, the three taxes are being dealt with in a single bill. The passage of legislation to abolish these taxes provides certainty to taxpayers, with adequate advance notice to enable them and, in some cases, their clients to adjust contracts, business practices and computer systems to accommodate the changes.

The provisions in this bill involve a fundamental shift in the tax base. Transitional provisions are required to ensure that all taxpayers are treated consistently, equitably and fairly both before and after the abolition of each tax. To limit opportunities for avoidance and to protect revenue, the transitional provisions in the bill ensure that, for each of the taxes, the provisions prior to repeal continue to apply to replacement arrangements and also to arrangements made with the only, or main, purpose of deferring transactions so they do not incur duty.

Because the bill cannot anticipate every avoidance issue that may arise, there is provision for the executive to make transitional regulations to deal quickly with unanticipated issues, including those that may arise during the implementation phase. Accordingly, the bill provides that when an issue is identified the executive may make a transitional regulation if the executive considers it is not, or is not adequately or appropriately, dealt with in the transitional chapter. This will ensure that taxpayers discharge their liabilities, notwithstanding any legislative deficiency. This allows urgent issues to be dealt with in subordinate legislation that is scrutinised by the Assembly.

The regulations will apply prospectively and will expire 12 months after commencement. The time frame allows for issues dealt with by regulation to be put to the Assembly as a legislative amendment. This transitional regulation-making power is the same as that recently passed by the Assembly in relation to the abolition of duty on non-real core business assets. The Standing Committee on Legal Affairs acknowledged in that case that there are circumstances in which the delegation of legislative power may be useful, for example, as would apply to the implementation of the arrangements provided by the bill.

The first of the taxes to be abolished by this bill is hiring duty. Chapter 6 of the Duties Act imposes a liability on commercial hiring businesses to pay duty on the total amount of hiring charges received in a month. After consultation and agreement with key stakeholders, the bill removes duty on the hire of goods on both new and existing contracts for any liability incurred after 30 June 2007. Chapter 6 of the Duties Act will expire on that date. Where a contract spans the abolition date, the duty payable is only for any liability incurred prior to July 2007 and there will be no pro rata refunds. The obligations of a commercial hiring business to register with the Commissioner for ACT Revenue and pay hiring duty monthly by returns will also cease in relation to any period after 30 June 2007.

Where a person hires goods from someone who is not a commercial hiring business, the hirer is required to lodge a statement with the Commissioner for ACT Revenue and pay the duty. Their obligation will also cease for any liability incurred after 30 June 2007.

Tasmania has already abolished hiring duty, and Victoria, Queensland and Western Australia will do so on 1 January 2007. Along with the ACT, the Northern Territory and New South Wales will abolish hiring duty on 1 July 2007, and South Australia will commence abolition in three stages, from July 2007.

The hiring duty payable is usually incorporated into the hiring charge. Even though it is the commercial hiring business that is liable to the duty, the hirer effectively reimburses the hiring business. I am not in a position to compel them to do so, but I would hope that, when they are no longer required to pay the duty, commercial hiring businesses will deduct from their charges any amount that covers the reimbursement of hiring duty. To limit any windfall gain to a commercial hiring business, the Revenue Office will advertise in the local and national media to ensure that hirers are aware of the abolition of hiring duty in the ACT on 1 July 2007.

The second tax abolished by this bill is lease duty, which is imposed on lease instruments on the total cost of the lease, through chapter 5 of the Duties Act. This bill proposes to cease all duty on leases executed after 30 June 2009. However, continuing current practice, and in line with the approach adopted by other jurisdictions to protect the land revenue base, duty at conveyance rates will be retained on long-term leases and franchise arrangements longer than 30 years as they are considered, for anti-avoidance purposes, to be equivalent to a conveyance of land. To implement this and to allow for the expiry of chapter 5 of the Duties Act on 30 June 2009, long-term leases and franchise arrangements will become dutiable property under chapter 2 of the Duties Act.

To ensure consistent and equal treatment for all lessors, any lease first executed before 1 July 2009 will be liable to duty on the full cost or value for its full term and there will be no pro rata refunds for any period of the lease that continues beyond the abolition date. Where duty has been based on the estimated cost of a lease it is followed by periodic estimates and possible payment of further duty. The transitional provisions will provide for a final estimate to be made at the earliest opportunity after 1 July 2009. The final estimate will be taken to be the full cost of the lease. This ensures that all outstanding lease duty obligations can be resolved as early as possible after the abolition date.

Most jurisdictions have already abolished lease duty. The Northern Territory will follow suit in July 2007, and New South Wales in January 2008. The ACT will be the last jurisdiction to do so, in July 2009.

The final tax to be abolished by this bill is duty on unquoted marketable securities on all transactions made after 30 June 2010. As duty on marketable securities quoted on a stock exchange was abolished in 2001, this now allows for the expiry of provisions relating to duty on the transfer of shares and units in a unit trust scheme. This includes provisions relating to the rate of duty, exemptions, concessions and registration requirements. The associated anti-avoidance measures in chapter 3 that capture alterations of rights and the allotment of shares by direction will also expire on 30 June 2010.

The abolition dates for those jurisdictions currently imposing duty on unquoted marketable securities are: Queensland, in January 2007; New South Wales, in January 2009; South Australia, in two stages, from July 2009 to July 2010; and the ACT,

in July 2010. This bill also has provisions that move some definitions to the dictionary to allow for the future expiry of chapters 5 and 6 and omit other redundant provisions of the Duties Act at the various abolition dates. I commend the Duties Amendment Bill 2006 (No 2) to the Assembly.

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

## Powers of Attorney 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) (10.40): I move:

> That this bill be agreed to in principle.

I am pleased to present to the Assembly the Powers of Attorney Bill 2006. The Powers of Attorney Bill will modernise the powers of attorney regime in the ACT and significantly enhance the rights of Canberrans to authorise someone to make decisions for them. Essentially, the scheme under the Powers of Attorney Act 1956 is half a century old, and the concept of enduring powers of attorney was included in the act nearly 15 years ago. The Powers of Attorney Bill brings the ACT scheme in line with updated powers of attorney schemes in other jurisdictions such as Queensland and New South Wales, while also incorporating novel features.

People are now more aware of, and interested in, substitute decision making than they were 50 years ago. Business and family affairs are conducted through powers of attorney. People should have confidence in the law to protect their rights when they give powers to someone else to make decisions for them, irrespective of whether such decisions are made when they are out of Canberra or when they lose their decision-making capacity. The Powers of Attorney Bill will strengthen that confidence.

The Powers of Attorney Bill implements the outcome of a comprehensive review undertaken by the ACT government into the substituted decision-making scheme. In 2001, the Legislative Assembly Standing Committee on Health and Community Care, in its report on the inquiry into elder abuse in the ACT, identified the need to make changes to the powers of attorney regime. The government, in its response to the report, agreed to implement the report's recommendations.

Even though the standing committee's recommendations were meant to address the need to prevent abuse of older people's powers of attorney, it became clear that the recommendations could be addressed only by reviewing the entire scheme of the powers of attorney. Consequently, the government released for public consultation an issues paper on substituted decision making in March 2004. The issues paper examined issues relating to powers of attorney and advanced health directives. The Powers of Attorney Bill implements the outcome of the review.

The bill provides clear criteria as to whether a principal has the capacity to make a power of attorney. The principal who has capacity must understand the nature and effect of making the power of attorney. For this purpose, the bill sets out matters that the principal should understand. Examples of such matters are that a principal should understand that they may state or limit the power of an attorney, when the power can be exercised and that the attorney may revoke the power of attorney when the principal has decision-making capacity. When making an enduring power of attorney, the principal is required to understand additional matters, for example, that the power continues even if the principal becomes a person with impaired decision-making capacity and that, at that time, the principal cannot effectively oversee the use of the power.

The bill also proceeds to clarify that there are matters for which powers cannot be given under a power of attorney. They are: one, special personal matters and, two, special health care matters. Special personal matters are matters such as revoking a will, making a power of attorney, voting and consenting to adoption of the principal's child or to marriage of the principal. Special health care matters are removal of non-regenerative tissue from the principal when he or she is alive, sterilisation, termination of pregnancy and treatment of mental illness. Precluding these matters from substitute decision-making powers is intended to protect a vulnerable principal from any misuse or abuse of power of attorney. Also, powers relating to these matters may be too personal to a person to be delegated to someone else or, alternatively, may be matters that are more appropriate for decision by a tribunal or court.

A major emphasis in the bill is to protect the interests of a person whose enduring power of attorney operates during the time he or she has impaired decision-making capacity. Accordingly, the concern of the standing committee with regard to abuse of older people's powers of attorney has been essentially covered in the framework of the bill.

An enduring power of attorney proposed in the bill may be made to give powers to an attorney in relation to property matters, personal care matters, and health care matters. Property matters relate to financial and property matters of the principal. Personal care matters are matters such as where the principal lives, whom the principal lives with, the principal's daily dress and diet and whether the principal will go on holiday and where. Health care matters include consenting to medical treatment and withholding or withdrawing of medical treatment.

The standing committee recommended that safeguards be developed to assess the capabilities of the person handing over the power of attorney. As I have stated earlier, the bill details the elements of a person's decision-making capacity that would indicate that the person understood the nature and effect of making a power of attorney. In addition, a witness to a power of attorney must certify that the principal appeared to the witness to have understood the nature and effect of making the document.

In the case of an enduring power of attorney, one of the two required witnesses should be a person authorised to witness the signing of a statutory declaration. An offence of dishonestly inducing the making or revoking of a power of attorney is provided in the bill, with a penalty of $10,000 or a jail term of one year, or both. These measures address the standing committee's recommendation by building in safeguards at the time a power of attorney, particularly an enduring power of attorney, is to be signed.

An important feature of the bill is the general principles for an attorney to comply with when acting under an enduring power of attorney of a principal who has lost capacity. These principles ensure that the principal's rights, including human worth and dignity, needs and wishes, are respected. Attorneys of incapacitated principals are required to comply with these principles to the maximum extent possible when exercising functions.

When relieving an honest attorney from personal liability for a contravention of the proposed legislation, a court is required to take into account the extent to which the attorney acted consistently with the general principles. In this way, the bill weaves into an attorney's obligations the threads of a principal's rights.

An attorney for a principal with impaired decision-making capacity is also obliged to keep records of transactions and to keep his or her property separate from that of the principal. A powerful but simple enforcement mechanism provided in the bill in relation to obligations of an attorney of a principal who has lost capacity is the power conferred on the Guardianship Tribunal to make orders in relation to enduring powers of attorney and the attorney's obligations.

The bill provides for the effective use of existing institutions such as the Guardianship Tribunal, the Public Advocate and the Public Trustee to protect the interests of a principal with impaired decision-making capacity. For example, the Public Advocate may ask the attorney to produce books and accounts. The Public Advocate or the Guardianship Tribunal may seek the assistance of the Public Trustee to examine the attorney's books and accounts.

The current legislation does not explicitly provide for circumstances where a power of attorney is revoked. This means common law applies for that matter. Consistent with public expectation about accessibility, and for clarity of law, the bill explicitly provides for situations where a power of attorney ends, such as attorney's resignation, death of the principal, death of the attorney, the attorney's impaired decision-making capacity and the winding up of a corporate attorney. An attorney loses authority in relation to property matters under an enduring power of attorney when he or she becomes bankrupt.

As an enduring power of attorney can authorise an attorney on health care matters of a principal, the Powers of Attorney Bill has some specific provisions relating to the exercise of that power. These provisions are mostly the redrafting of the relevant provisions of the Medical Treatment Act. A health care facility is required to ask whether a person receiving care has made an enduring power of attorney for personal care matters or health care matters and to keep a copy of it and periodically check its currency.

A principal can, under the bill, seek confirmation from the Supreme Court that the attorney has power to do and act under it. This will be helpful where there is a doubt about the attorney's power. A person may make a power of attorney during his or her incapacity but may later regain capacity. Again, under the bill, the person can affirm the document and seek to have the power of attorney confirmed by the Supreme Court.

Another of the features in the bill is that it provides for recognition of interstate enduring guardianship documents in addition to interstate enduring powers of attorney, while also explicitly providing for the recognition of interstate general powers of attorney. These

provisions will encourage the use in the ACT of substitute decision-making instruments made under a law of a state or another territory.

I am confident that this bill will help simplify and strengthen the operation of the substitute decision-making system to a very significant extent. Safeguards provided in the Powers of Attorney Bill will address the abuse of older people's powers of attorney that has been a worrying issue for Canberrans. The outcome of the Powers of Attorney Bill will be that the principal's interests, rights and wishes will be upheld even after the principal has become vulnerable due to the loss of decision-making capacity and that the trust-like nature of attorneys' responsibilities is clarified, making it easy for attorneys to understand and comply with them. I commend the bill to the Assembly.

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

## Medical Treatment (Health Directions) 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) (10.51): I move:

> That this bill be agreed to in principle.

The Medical Treatment (Health Directions) Bill is a consequential amendment bill. It is a rewrite of the provisions of the Medical Treatment Act 1994 which deal with medical directions of people to withhold or withdraw medical treatment. The provisions in the act related to power of attorney for medical treatment are omitted as the new powers of attorney legislation will govern all types of powers of attorney.

A direction made by a person under the Medical Treatment Bill would be called a health direction to refuse or require withdrawal of medical treatment to the maker. A direction can be written or non-written. I commend the bill to the Assembly.

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

## Fisheries Amendment Bill 2006

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

Title read by Clerk.

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (10.53): I move:

> That this bill be agreed to in principle.

It gives me great pleasure today to present the Fisheries Amendment Bill 2006. This is a bill that addresses a complex issue that affects sustainable fisheries management throughout Australia, including the ACT; that is, the illegal trafficking in priority species. Currently these priority species are abalone and rock lobster.

These species are taken from locations down at the coast and then trafficked into the ACT, being transported up the Kings and Monaro highways, where they either transit the ACT or are sold in certain areas of Canberra. Trafficking in unlawfully taken species, especially abalone, is an extremely serious and profitable business, often dominated by organised crime syndicates who see this as a less dangerous enterprise than drug trafficking, prostitution or handling stolen goods.

It should be said at the outset that fisheries legislation was created to regulate fisheries; it was not intended to combat organised crime. It is fair to say that this kind of natural resource crime was not envisaged when the Fisheries Act 2000 was drafted.

The National Fisheries Compliance Committee (NFCC), of which the ACT is a member, has proposed that all jurisdictions introduce these or similar offence provisions in a coordinated attempt to displace this criminal activity. Amendments in other jurisdictions are in varying degrees of development and implementation. These are attempts to achieve consistency in compliance and enforcement.

As a result of this new focus, a Queensland businessman who received stolen abalone form Tasmania was fined $1.2 million only last month. He was also sentenced to three months imprisonment for his role in illegally sending dried abalone meat to Queensland.

These ACT amendments introduce appropriate offences, with strong penalties to cover the illegal trade; that is, trade that has not been licensed by the conservator. Offences to be introduced include an offence of trafficking in a commercial quantity of a priority species, possession of a commercial quantity of a priority species, and taking a commercial quantity of a priority species within 24 hours.

The trafficking concept has been chosen because of the synergies between drug trafficking and the illegal movement of abalone. The courts are familiar with the trafficking concept and therefore will be able to apply the proposed offences effectively. The proposed new offence for trafficking has a maximum penalty and a sentencing range similar to that of theft, slightly lower than handling stolen goods or drug trafficking.

The amendments also introduce a provision for the conservator to issue a licence to take priority species and minor amendments to ensure compliance with the reporting and labelling requirements of the national docketing system (NDS) and related issues. The minor amendments to the national docketing system will ensure that all aspects of the trade are fully covered and compliant in relation to reporting and labelling. The underreporting of fish takes has a serious implication for the sustainable management of fisheries and should be taken as a serious offence, given the high black market values of priority species.

The people of the ACT should be proud of the extent and quality of the sustainable management of fisheries and of its cooperation with other jurisdictions in developing

these amendments. This cooperation could include joint enforcement operations with other jurisdictions, if necessary, and this bill reflects the government's commitment in this area. I express my appreciation to the officers of the department and of parliamentary counsel for their work in developing this bill. I commend the bill to the Assembly.

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

## Canberra Institute of Technology (Validation of Fees) 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.

The purpose of this bill is to validate all fees collected by the Canberra Institute of Technology for the years 1993 to 2005 inclusive. The reason for this bill is that, prior to the enactment of the Legislation Act in 2001, the Subordinate Laws Act 1989 required any changes to the fee schedules charged at CIT be notified in the *Government Gazette*. The most recent date when the fee schedules were notified in the *Government Gazette* was 1 July 1991, as was required by the Subordinate Laws Act 1989. The last time that fees charged at the CIT were amended was for semester 1, 1999. This scale of fees was presented to the Assembly in 2006 and was notified on the legislation register on 2 March 2006, as required by the current Legislation Act.

This bill removes any doubt as to the validity of the fees charged at the CIT and prevents any misconceptions as to the legality of the fees collected by the CIT over the years during which the students have, as I am sure you will all agree, received excellent value for the financial contribution that they have made towards the cost of their tuition. I commend this bill to the Assembly.

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

## Building and Construction Industry Training Levy 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) (11.00): I move:

> That this bill be agreed to in principle.

This bill introduces a number of minor amendments to the Building and Construction Industry Training Levy Act 1999. As indicated, Mr Speaker, in your presentation speech on 24 March 1999, the original intention of the act was to apply a levy on the cost of construction of all civil and private building and construction activity in the ACT in excess of $10,000.

Since the inception of the act, there have been individuals in the building sector who have contested their liability to pay the training levy. The Building and Construction Industry Training Fund Authority estimates that about $60,000 to $80,000 is forgone each year by its inability to pursue a small number of project owners who contest their liability to pay the training levy.

This bill introduces an amendment that will remove the ambiguity in relation to the definition of project owner. The definitional change to project owner will provide clarity as to who has responsibility for paying the levy; that is, if the work is done on land by or for the owner of the land they would be the project owner, or in any other case the project owner would be the person on whose behalf the work is done.

The ACT Planning and Land Authority is reviewing building approval requirements under the planning system reform project. These reforms will result in an increased range of exemptions from the need to obtain building approvals. In some cases this will result in a larger range of structures which can be built by do-it-yourself owners who will arguably not benefit from education provided by the training funds levy.

The act has been amended to align the definition of exempt works under the Building and Construction Industry Training Levy Act 1999 with the definition of exempt works under the Building Act 2004, sections 12, 14 and 15, and the Building Regulations 2005, regulations 5, 6 and 7.

The act currently requires the Construction Industry Training Council to appoint qualified valuers to assess the value of work where there has been a disagreement on the value by the authority and the project owner. However, the current practice with the assessment of the value of work is that the authority asks the project owners to assess the levy on the GST exclusive contract price of the work. If the authority and the project owner are not able to agree on the value, the authority and the project owner jointly appoint qualified valuers to assess the value of the work. The bill introduces an amendment to the act that reflects current practice.

The bill also provides for an amendment to the date on which the training plan needs to be approved each year. The 2007 training plan identifies five key areas and activities that will be funded in 2007. One of the key areas is entry-level training. The training fund in 2007 will provide for pre-employment training and job-ready skills as well as mentoring of apprentices by experienced workers and face-to-face induction training.

Amending the 30 June date to 30 October will enable better alignment with the timing of the annual territory negotiations with the commonwealth regarding vocational education and training funding and the determination of ACT government and local industry training priorities for the following year. It is in all our interests that building work on

private and public construction sites is carried out to appropriate standards of safety and professionalism, and training is fundamental to ensuring this.

As members can see, the amendments are quite simple and straightforward but will make a significant improvement to the act. I commend the bill to the Assembly.

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

## Public Accounts—Standing Committee
### Report 7

**MR MULCAHY** (Molonglo) (11.04): I present the following report:

> Public Accounts—Standing Committee—Report 7—*Review of Auditor-General's Report No 2 of 2005: Development Application and Approval Process*, dated 18 September 2006, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

**MR MULCAHY**: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

**MR MULCAHY**: I move:

> That the report be noted.

Auditor-General's report No 2 of 2005 was presented to the Legislative Assembly on 5 May 2005 and consequently referred to the committee for inquiry. The audit report presents the results of a performance audit that reviewed the development assessment process of the Australian Capital Territory.

The committee received a briefing from the Auditor-General on the audit report and sought and received a government submission in relation to the audit report's recommendations. The committee sought views from a range of people and organisations, including the business community, community councils and residents' associations, building industry organisations, organisations and associations interested in ecologically sustainable development, and the ACT community. The committee's report examines a selection of the significant issues, including the key findings and recommendations raised by the Auditor-General in relation to the development assessment process.

Mr Speaker, there are now widespread perceptions across all jurisdictions that development assessment systems are too complex and costly and not particularly effective, certainly not as effective as would be desirable. According to the Centre for

Developing Cities, despite significant improvements in the past decade, few people think that the results of development assessment reflect the billions of dollars invested in those processes. Planning systems have tried to keep up with increasingly complex expectations by adding confusing layers of processes which have created uncertainty, inconsistency and complexity in the assessment process.

As a fundamental piece of government machinery, the development assessment system influences the economic vibrancy, environmental enhancement and wellbeing of present and future communities in all Australian jurisdictions. The efficiency, effectiveness and economy of the development assessment system is underpinned by five fundamental components. I will provide a brief overview of these.

The first component is the legislation and guidelines mandating assessment criteria. The legislation and accompanying guidance material are the principal policy documents at the heart of any planning and land system. The Auditor-General found that the legislation governing the development assessment process was very complex, with many layers of information impacting on the process, such as regulations, planning guidelines, lease requirements, land use policies, the requirements of other agencies, objection processes and the principles of ecologically sustainable development.

Many submissions to the committee highlighted concerns around the complexity of laws, regulations, planning rules, plans, guidelines and government policy requirements that often apply to development assessment. The committee is of the view that the complexity of the current legislation governing the development assessment process generates uncertainty which may inhibit development, add to proponent and community costs, and exacerbate delays in assessment.

The second component is the assessment processes of administering assessment criteria. Whatever the goals of the principal policy documents governing development assessment, the assessment processes have to work efficiently. Once government has approved the detailed policies—that is, the planning, heritage, environmental, social and economic criteria for assessing development—assessment processes are effective only if the policies are applied expertly, accurately and efficiently every time.

The Auditor-General found that development assessment processes were very complex to administer and use. In order to make the necessary efficiency and timeliness gains, the audit recommended that the authority should focus on actions such as improving documentation and records management, improving monitoring and reporting, and particularly improving and integrating the referrals process. Most submissions and witnesses at public hearings expressed concern regarding the complexity, consistency and efficiency of development assessment processes. This included reservations about quality control, the robustness of decision making and the integration of referrals in the development assessment process.

The third component is the organisational culture of the assessment authority. Effective organisational performance relies on systems and people working together. The hard systems, processes and data are inseparable from the soft aspects, such as culture, leadership and learning. One cannot work without the other. The committee is of the view that the assessing authority's organisational culture influences the efficiency, effectiveness and economy of the development assessment system. Throughout its

inquiry the committee received several submissions, oral and written, highlighting the need to change the culture within the authority.

The fourth component is resourcing of the assessment authority. The committee is of the view that the assessing authority's level of resourcing influences the efficiency, effectiveness and economy of the development assessment system. Several submissions and witnesses at public hearings drew the committee's attention to resourcing issues in ACTPLA.

The fifth component is continuous improvement of the assessment process. The committee is of the view that the assessing authority's continuous improvement processes influence the efficiency, effectiveness and economy of the development assessment system. Formal feedback processes are vital techniques for monitoring change and for collecting and applying feedback to ensure continuous improvement. The committee is of the view that the authority and advice agencies have an obligation to contribute to system improvement and to continuously evaluate their own processes.

Submissions and witnesses appearing before the committee highlighted areas of concern and issues in connection with each of the five fundamental components of development assessment previously mentioned. The committee's report examines these issues and areas of concern.

The committee's report makes 20 recommendations covering various aspects of the development assessment process. Obviously, I do not intend to go through the detail of each of those recommendation, but I would draw members' attention to a number of those recommendations—in particular, the first recommendation, which recommends that ACTPLA collate all AAT decisions and provide these in a clear and concise manifest so that a database of case law is easily accessible on the ACTPLA web site for use by staff and proponents.

The committee also recommended that ACTPLA prioritise the development of a more formalised training program to ensure that its staff have a better understanding of legislative requirements. I understand issues of staffing and recruitment that were outlined by the minister and officers before the hearing and I will come to those a little further in my comments.

The committee also expressed the view that ACTPLA needed to ensure that its community engagement practices were consistent with the territory government's community engagement initiative. We have also recommended that ACTPLA implement measures to ensure compliance with the decisions of the Administrative Appeals Tribunal within reasonable time frames. I think these recommendations speak for themselves.

We have also recommended under recommendation 7 that ACTPLA encourage the use of conciliation and mediation processes to resolve disputes and conflicts over development assessment processes before a matter ends up before the AAT. Whilst this issue has come up on more than one occasion, there was one celebrated case study which was examined by the committee and on which we heard evidence.

Whilst I am pleased that in the final analysis, as is reported in this document, the aggrieved ratepayer did receive an apology, proposed criminal charges were abandoned by the DPP and procedures were changed, the level of stress endured by that individual was a matter of considerable concern to our committee. I am pleased that the departmental officials at the very least were willing to acknowledge the problems that occurred and had taken appropriately meaningful action. For that I am appreciative and I hope that the party concerned will take some measure of comfort from the outcome that we have achieved in relation to that matter.

Recommendations 10 through to 14 relate to skills and skill shortages, which were acknowledged in evidence by Mr Savery, as I recall, and by the minister. We have put forward a number of suggestions there. We have recommended that there be more promotion to school students by ACTPLA in relation to the planning profession and the benefits of planning. We have suggested that they explore the possibility or the feasibility of offering traineeships or cadetships which would ensure structured supervision and guidance for students in their third year or higher years of tertiary study.

We are recommending that the minister support the Planning Institute of Australia's efforts to persuade the Australian government to recognise the planning profession as an occupation in demand to make it easier for overseas planners to work in Australia. Whilst that is an immediate solution and not necessarily a long-term solution, it is one that would alleviate the current pressures and demand that exist throughout Australia, but for our purposes within the ACT, for planners.

We have also recommended that the government encourage and support the work of the University of Canberra in establishing a professional planning course structure. We are recommending, to the extent that work has not already taken place, that the planning minister initiate discussion with his state and territory colleagues with a view to lobbying the commonwealth to provide even more resources and funding for university planning schools and increase the number of funded places for planning students.

As those who have taken an interest in this area will be aware, the demand in the private sector for planners is considerable and the challenge that presents therefore for government to recruit suitably qualified people is not something that is looked at lightly and is understood and appreciated by the committee, but we must make efforts to try to remedy the shortage and these are measures that we would like to recommend to the Assembly.

We have also proposed that the government give consideration to prescribing in proposed legislation that an independent review of the act be conducted after three years of operation. Finally, I would draw attention to recommendation 20, whereby the committee recommended that the Assembly implement the recommendations of the Auditor-General's performance audit report No 2 of 2005 on the development application and approval process.

Mr Speaker, the committee would like to thank all of those who contributed to the inquiry by making submissions, providing additional information or appearing before it to give evidence. Finally, a report such as this does not come to completion without the hard work and professionalism of many. In fact, it is the most extensive report that has

been prepared by the public accounts committee during the period I have had the privilege to serve as chair. I would certainly hope that members of the Assembly will give careful regard to the content of this document.

I conclude by thanking my committee colleagues, Dr Deb Foskey and Ms Karin MacDonald, those who assisted the committee with its deliberations, and the committee office, with particular mention of Ms Andrea Cullen, the committee's secretary. I commend the report to the Assembly. My committee colleagues may also wish to provide some comment.

**DR FOSKEY** (Molonglo) (11.17): I would like to speak briefly to this report. I think that all members of the Assembly are aware of how important planning is in the development of our city and also in the politics of our city. Therefore, I welcomed involvement in this review of the Auditor-General's report on the development application and approval process.

Although the Auditor-General only looked at a quite narrow slice of the role of ACTPLA, the development application and approval process is probably the main point at which the public has anything to do with the authority and therefore has always been the area about which people are likely to complain because that is, of course, where the interface occurs. So it was good to explore the issues involved both with officers of ACTPLA and the minister and with community organisations and to see that particular opinions of people tended to fall, fairly predictably, within particular roles in relation to where one stands in the building and development process.

I think that the main problem with the inquiry is that we are just on the cusp of a new planning reform legislation system, which allowed ACTPLA officers and the minister to say that it will all be dealt with under the new planning reform legislation, which was quite a neat way out, but I think, having had a look at the legislation, a lot of the issues will still come up. I think it does look as though ACTPLA has improved the pathway for applications through the approval process, and that is good. It sounds as though there needed to be quite a bit of investment there and that has taken place.

It is fairly clear that ACTPLA, like a lot of the planning authorities, has problems finding people who have the expertise to work in planning and who want to work in Canberra. Canberra used to be a place where planners were very keen to work. There was a time when Canberra was seen globally, not just nationally, as being at the cutting edge of planning. Those were the days when the NCDC, now the NCA, had a lot more money to put into planning and it really was a matter of pride that we were at the cutting edge of city design.

Unfortunately for Canberra, that was at a time when the car was king and thus we have inherited a city that is based on what is called the machine model whereby roads, shopping centres, town centres and so on are all regarded as interlinking parts of a planning hierarchy. Our planning authority now has the rather difficult task, having been left with, let's face it, a very valuable legacy of excellent roads and excellent open spaces, of somehow having to turn our city into one which is low on greenhouse gas emissions and which allows people to avoid using their cars. We are fortunate that we have elements of the answers to that in our neighbourhood planning, our community

centres and our community-based schools. I think that that is where our strengths lie. Development approvals are a part of that, but the bigger job is in the bigger picture.

I am thankful for my ability as a member of the pack to be involved in this inquiry because I learned a lot about the system, I learned where the complaints are and I learned how ACTPLA justifies its responses. I really look forward to debating the planning reform legislation. Having read the community and other submissions, it is easy to see that there is work to be done. I appreciate that the legislation has been tabled as a draft and that there is room for those changes to be made. I hope that this report will feed into that. Yes, Mr Mulcahy, people do talk; you did too. Thank you very much for the opportunity, especially thanks to Andrea Cullen, who has just been a fantastic secretary and a real pleasure to work with.

Question resolved in the affirmative.

## Executive business—precedence

*Ordered that executive business be called on.*

## Road Transport (Safety and Traffic Management) Amendment Bill 2006

Debate resumed from 8 June 2006, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

**MR PRATT** (Brindabella) (11.24): The Road Transport (Safety and Traffic Management) Amendment Bill 2006 has been introduced by the minister to clarify the period the Chief Police Officer is required to keep vehicles seized in relation to the commission of certain dangerous driving offences. Section 10B of the act provides that, if the court convicts a person or finds them guilty of one of these offences, for a first offender the vehicle is impounded for a maximum of three months, unless the court otherwise orders.

Clause 4 of the bill amends section 10E (1) of the act to enable the Chief Police Officer to release a vehicle three months after the date it was seized in the case of a person who would not be treated as a repeat offender should they come before the court, that is, if a person has not been convicted or found guilty of a relevant offence in the previous five years. In other words, if court action is delayed for more than three months, the offender's vehicle can be released if they have not yet gone before the courts and it is the first offence. Under section 10B (5), any period for which the vehicle has been impounded by police under section 10C is deducted from the three-month period applicable to a first offender.

Currently, section 10E of the act provides that the CPO—the Chief Police Officer—must keep the vehicle until the person is dealt with by a court for the offence, unless an infringement notice is served on the alleged offender or no prosecution of the offence is started within 28 days after seizure and 28 days has elapsed. So what used to be an expected delay of 28 days for a matter to appear before the courts has been extended to three months under this bill. It seems that the existing provisions of the act do not

envisage circumstances whereby matters could take longer than three months to be finalised by the court. If a first-time offender's car has been impounded for three months and the matter has not yet gone before the courts, the car may be returned to them.

Mr Speaker, the need for the government to amend the current legislation shows that there are problems within the court system and with police getting cases to court expeditiously and not necessarily with the legislation as it stands. That legislation certainly was good for the times. Perhaps the amendment of this legislation now reflects this growing problem with court delays. We have seen numerous times reports in the media that both our courts and our police are under resourced and that that is to blame to a great extent for the delays. Lots of people are saying that, not just the media. Members of the judiciary have pointed it out.

However, as the legislation is being impacted upon, adjustments need to be made and the suggested amendments seem to be quite fair in that case. They are fair given the reality that we now see and, to that extent, the opposition supports the government's bill. The question that remains, though, is why there are so many people these days driving recklessly and doing burnouts, and that also needs to be looked at. There is a very real concern that this pattern of behaviour has not improved at all over the last five years, or over the last 10 years. Therefore, it is not enough just for this government to change the legislation. It must also look at cause and prevention, not always acting after the event.

Given the growing incidence of dangerous driving offences, the law is simply not tough enough. Given the very poor police presence, tougher penalties are needed to provide for a greater deterrence. Here is an opportunity for that. Yes, the law needed to be made fairer, given the reality that court delays were occurring, so that impounded cars could be returned after, I suppose, 91 days, but there was an opportunity here also for the government to amend this legislation to tackle this growing problem of hoon driving and just bad, rotten behaviour on the roads. Road crime definitely has been going up over the last five years. Injury rates and deaths have doubled; that is a fact.

**Mr Corbell**: Get your facts straight.

**MR PRATT**: Keep your hair on, Simon. In the statistics that came out last year the number of road accidents involving serious injury and death doubled the number for the previous year. Those are the facts, Simon, so swallow them. Something needs to be done about that.

**Mr Corbell**: What is it this year?

**MR PRATT**: It is certainly improving on last year, but can you sustain it? I would put it to you, minister, that you will not be able to sustain it. You will not be able to sustain it until you have seriously tackled the issues that are causing those accidents. Clearly the number of complaints from clubs, businesses and constituents about burnouts, reckless driving and tailgating continues to grow.

These complaints seem to have increased substantially in the last three years. ABS statistics may not highlight that sort of crime, because it is middle to lower level crime which ABS statistics do not properly capture, but we know from community feedback that it has been on the increase; so it is time to tighten the laws. Minister, I think you

know that too from the level of correspondence that you are getting, given the stuff which has been sent to your office and cc-ed to me. The level of correspondence over the last three or four years about hoon driving, reckless driving, tailgate driving has increased.

**Mr Hargreaves**: It has dropped.

**MR PRATT**: No, it has not dropped. The bulk of the complaints I receive about speeding come from residents who are sick of cars speeding and doing burnouts along suburban streets. There remains the question of how much this government—this current liberties first, community safety second government—has watered down the laws in relation to burnouts and other improper driving behaviour with the introduction of Mr Stanhope's pet human rights legislation. The provisions in this legislation for the forfeiture of cars are weak.

Let's remember that this is a government that has had to be brought kicking and screaming even to think about the issue of random roadside drug testing for drivers, that this is a government that has allowed the number of drink driving tests to drop by half during its time in office, and that this is a government that has seen a doubling of road fatality and serious injury rates from motor vehicle accidents in the last two years. This government will not introduce important road safety initiatives such as random drug testing because it does not want to infringe on people's human rights or the right perhaps to take drugs recreationally regardless of the impact that that behaviour might have on the safety of the rest of the community.

This government says, "Let's put the onus back on drivers to look at their own behaviour but let's at the same time brag about what a good job we as a government are doing to help out by putting in an extra speed camera or two, even though we are not really doing anything overall to attack the problem. Rather than tightening the laws around confiscation and forfeiture of cars in this legislation that we are looking at today, let's brag about how many extra police we have not put on the road and how much notice we have not taken about the safety of on-road cycle lanes."

That is a pattern that has been clear over a couple of years, but I must say, minister, that I have seen a fairly significant increase in the presence of motorcycles and patrol cars on our streets in the last couple of months. I hope that you will sustain that. If you sustain that, I will come back here in about four or five months and give you a massive bouquet.

**Mr Hargreaves**: Janine Florist.

**MR PRATT**: Thank you very much. How much?

**Mr Hargreaves**: About 100 bucks.

**MR PRATT**: It would be worth it. In terms of community safety, minister; that contribution would be worth it. Mr Speaker, this community has real concerns about hoon driver behaviour and this amendment bill is not even the start of what is needed to be done to sort out these problems. I would say to you that the government has missed the opportunity not only to amend the bill to make it fairer in terms of the 90-day provision but also to toughen the legislation around forfeiture. Forfeiture surely is

a powerful deterrent for recidivist offending, and recidivist offending is a problem for this community.

Let's look at the impact of this recidivist offending. At Chisholm shops recently, local residents witnessed repeated burnouts in which the offenders returned with impunity to add to their burnout patterns. In those cases, the offenders were able to remain on site for extended periods, despite residents calling the police to plead for intervention. As I have said, the opposition do support the amendment bill on the basis that it does deal more fairly with offenders who are waiting for a court appearance, but we are critical of the Stanhope government for doing little to stop court time blowing out in the first place.

Mr Speaker, I would like today to foreshadow here increasing penalties that will make it a must for cars to be impounded and to direct the courts to sell offenders' cars for recidivist offensive behaviour. This is not mandatory. The discretion is there, but something needs to be done to make the impact of our laws stronger and say to the magistrates of our courts, "For God's sake, you have got before you a person who has offended four, five, six or seven times. It is now time to get rid of that guy's car."

**Mr Hargreaves**: It is gone. Read the regs.

**MR PRATT**: Yes, but the legislation says that the Chief Police Officer may seize and forfeit.

**Mr Hargreaves**: No, for a third offence you lose your car. It is sold. Read the legislation.

**MR PRATT**: I do not think it says that.

**Mr Hargreaves**: Bill put it in. Tell him, Bill.

**MR PRATT**: You were going to have a 90-second speech, minister. Let's see if you can add to that and spell this out. As it stands, we have legislation which says that the police may impound the offender's vehicle and may sell the offender's vehicle. I am saying to the Assembly today that there are not enough "musts" and too many "mays" in the current legislation. There is a desperate need for improvement to this legislation to make those provisions tougher.

Mr Speaker, you have seen what the NRMA Road Safety Trust have had to say about police presence and you have seen what other community groups have had to say about the need for police presence. If we cannot get that police presence up sufficiently in the short term or the medium term, at least, for God's sake, make sure that our laws are tough enough to be the strong deterrents that they need to be. We call upon you, minister, to go back and amend this bill to tighten the legislation, to give stronger directions to the Chief Police Officer about what decisions are taken about confiscation and then forfeiture.

While a lot can be done to improve police presence, of course you cannot cover the entire territory with a policeman at every letterbox, minister. Therefore, in addition to improving the police presence, you have to toughen your laws. You have to be less timid

and less concerned about the rights of offenders and you need to toughen your laws so that powerful messages are sent to the community.

How do you get through to young drivers sitting in pubs with their hot cars outside? We can hardly put out an education program. They could not give a toss about that. What you have to have, minister, is tough law and that tough law needs to be communicated to the community. That is the only way you will get the message through to these recidivist offenders.

Minister, we will come back to this place and seek to have these laws tightened. In the meantime, we would ask you to do something about these laws, to toughen these laws, to do something about forfeiture so that you are better able to protect our community, minister, and perhaps minimise the amount of correspondence you and I are both getting about hoon driving and burnouts in our suburbs.

**Mr Hargreaves**: I do not get any.

**MR PRATT**: Maybe people do not like you any more, minister, and do not bother writing to you, but the opposition is getting a truckload of this stuff. We are getting a truckload of correspondence from Canberra residents saying—

**Mr Gentleman**: A truckload!

**MR PRATT**: A slowly driven truck too, Mr Gentleman. People are dissatisfied that middle to lower level crime, particularly around car offences, simply has not reduced over the last five years. They are getting emotionally tired about the fact that there is no impact on recidivist offenders. As to ramping up police numbers, I offer my congratulations on the increased police patrols that I have seen. I actually saw five interventions in Manuka in one hour last Friday and I was super impressed. See if you can sustain that, minister. But, concurrent with that, you need to toughen your legislation. People need to know that if they are going to offend they will have their cars sold, not that they may be sold or, depending on the circumstances, that a judge might think about doing so. So let's see those laws toughened up.

**DR FOSKEY** (Molonglo) (11.39): I would like to put forward a refreshing counter, perhaps, to Mr Pratt's approach. This bill simply clears up an anomaly whereby cars that have been confiscated by the police might, due to the time it sometimes takes to process cases before the courts, have remained in police hands for a longer time than the legal penalty allows.

The presentation speech and the explanatory statement make reference to the fact that the confiscation provisions themselves have some unresolved human rights implications. Car confiscation measures were first introduced in the ACT in an attempt to address the problem of burnouts. The provisions of a bill brought forward in 1998 by independent MLA Dave Rugendyke and passed in 1999 were expanded by urban services minister Mr Smyth in 2000 to include road rage. The Greens opposed these bills at the time, essentially on the grounds that other legislation already existed to deal with the issues and that there were too many unresolved civil liberty and human rights-related issues. Labor opposed the Rugendyke bill but supported the Liberal government's road rage

amendments. I look forward to this government revisiting this act and giving it close scrutiny through a human rights lens.

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.41): The Road Transport (Safety and Traffic Management) Amendment Bill 2006 provides for clarification of the period the Chief Police Officer is required to keep vehicles seized in relation to the commission of certain dangerous driving offences. Section 10C (1) (a) of the Road Transport (Safety and Traffic Management) Act 1999 provides that a police officer may seize a vehicle if the officer believes that the vehicle is being or has been used by a person committing offences set out in sections 5A, 5B or 8 of the act. I reiterate the words "if the officer believes that". Sections 5A, 5B and 8 of the act relate to races, attempts on speed records, speed trials, burnouts and other prohibited conduct, and menacing driving. These are serious offences and offenders need to be punished appropriately.

Mr Speaker, the act currently provides that the Chief Police Officer must keep a seized vehicle until a person is dealt with by a court for the offence, an infringement notice is served on the person for the offence, or if a prosecution for the offence is not started within 28 days after the seizure of the vehicle—the 28 days end. Section 10B of the act provides that if a court convicts a person or finds them guilty of one of the offences I have mentioned then for a first offender the vehicle is impounded for a maximum of three months unless the court orders otherwise and any period that the vehicle has already been impounded is deducted from the period the court orders.

The existing provisions of the act do not envisage the circumstances where the prosecution for the offence is started within 28 days of the alleged offence and matters taking more than three months to be finalised by the court. In these circumstances the Chief Police Officer finds herself in the position of having to hold on to vehicles beyond the period the act indicates should be the period the vehicle is impounded for a first offence.

The amendment provides for the Chief Police Officer to release a vehicle three months after the date on which it was seized in the case of a person who would not be treated as a repeat offender should they come before the court—that is, if they have not been convicted or found guilty of a relevant offence in the previous five years. This change means that a person will not be subject to being deprived of their vehicle for longer than they could have been deprived of their vehicle if dealt with by the courts. I seek the support of members for the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Justice and Community Safety Legislation Amendment Bill 2006

Debate resumed from 17 August 2006, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (11.44): Mr Speaker, the opposition will be supporting this bill, which I think is about the 15th or so in the series—I wonder whether the series will ever finish. The bill seeks to make a number of what may be termed minor technical amendments to various acts. I will not take up much of the Assembly's time on this bill, which does some finetuning and fundamentally improves the operation of various acts.

There are some changes to a couple of areas which could be described as probably slightly more than just technical. One is the amendment to the Court Procedures Act 2004 which clarifies matters that can take place in a criminal trial prior to the empanelling of a jury. This will clear up an area of confusion regarding the role of the Supreme Court prior to empanelling a jury.

There is also an amendment to the Domestic Violence and Protection Orders Act 2001 to include the crime of common assault. This is one of the most basic of crimes and I think it is very sensible to increase the scope of that act. I am amazed that this amendment has not been made before now, and I think it is important to ensure that there is a proper range of offences in relation to that act. There are also some further improvements in relation to the consumer credit regulation. I also single out the Residential Tenancies Act to which a sensible improvement is proposed in respect of tenancies in common law.

The scrutiny of bills committee made a comment in relation to a matter concerning the Security Industry Act 2003, but I do not think that is of particular consequence. We note that the fine for an offence is a maximum of 10 penalty units. The rule of thumb, of course, is that the fine for strict liability offences should be no more than $5,000 or 50 penalty units, so this fine is well within that. Although we have made a comment because we are dealing with strict liability offences, it is a matter of minor note and I will not go into it any further. As is normally the case with these types of bills, the amendments are minor and the opposition supports them.

**DR FOSKEY** (Molonglo) (11.46): I will be supporting this omnibus bill. The bill makes mostly technical and minor amendments to a number of acts, very few of which will affect the intent of the legislation when passed. Consequently, I do not need to discuss the bill in any detail but there are a few areas that warrant some brief comment.

I welcome the changes to the Civil Law (Wrongs) Act. Insurance in the ACT is a business operation. In areas such as workers compensation, third party accident, professional indemnity and public liability it serves a substantial public service. Members would recall the supposed tort law crisis which highly profitable insurance companies whipped up around Australia a few years ago in order to bring down their exposure to potential claims. Thankfully, the ACT was much more moderate in its response to those pressures than were other jurisdictions. At the same time, though, given the need for effective and affordable insurance cover, unless the public sector is

prepared to pick up the slack it is important that insurance operators are not legislated out of profitability. The reporting provisions that require certain information on insurance operations in the ACT are an important part of that balancing act. I am pleased that this bill expands on the capacity of the ACT government to request or specify additional information.

The amendments to the Residential Tenancies Act broaden access to the tribunal and extend its jurisdiction. These amendments reflect a position agreed between government, the tenants advice service and other stakeholders. The Residential Tenancies Tribunal has a good record in resolving tenancy matters in a reasonably prompt, just and cost-efficient manner. The introduction of a new regime of tenancy agreements has in a number of situations expanded the access of residents to that tribunal. This amendment fills some of the gaps and ensures that tenants and landlords who have been specifically excluded hitherto can now get access to the tribunal.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.48), in reply: I thank members for their support for this legislation. As members have indicated, the bill makes a number of minor and technical changes to a range of justice and community safety legislation. Mr Speaker, I have circulated an amendment to the legislation which we will be dealing with in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

Bill, by leave, taken as a whole.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.49): Mr Speaker, I move amendment No 1 circulated in my name *[see schedule 1 at page 3077]*.

This amendment deals with the issue of the delegation provided to the president of the Human Rights Commission. The government has taken the decision to seek the removal of the role of the president of the Human Rights Commission as a way of achieving efficiencies within the operation of the commission and, as such, the need for the delegation power contained within the Human Rights Commission Act is no longer required. For that reason, the amendment omits proposed new section 19AA of the Human Rights Commission Act 2005, as the government intends in the next sittings of the Assembly to put legislation to this Assembly to remove the role of the president from the act.

**DR FOSKEY** (Molonglo) (11.51): I understand that this amendment was only circulated this morning. Indeed, it makes official something that the government has already said—this was announced last June—will occur in relation to a change to the Human Rights Commission. The legislation, which I supported, provided for a separate president and now that position is to be removed.

The Human Rights Commission is still a bit of a black box. It is changing before our eyes—not that there is anything to see—even before it has been set up. I do not believe I am the only one who has concerns about what is happening. Indeed, concerns are also held by some of the people who will be members of the commission. Those concerns relate to how decisions will be made within the commission, how the commission will function, the reduced number of commissioners and the impact this will have on administrative support and other resources. So I will not be supporting this amendment. I know that my opposition will make no difference but it is a way in which I can express my commitment to the original concept of the Human Rights Commission, which is being eroded.

Amendment agreed to.

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

Bill, as amended, agreed to.

## Murray-Mackie study—recommendations
### Ministerial statement

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (11.53): Mr Speaker, I ask leave of the Assembly to make a ministerial statement concerning recommendations from the Murray-Mackie study on deaths and near deaths of children.

Leave granted.

**MS GALLAGHER**: Mr Speaker, I present the following papers:

> Murray-Mackie Study—Recommendations—
>
> Ministerial statement, 21 September 2006.
>
> Government response, dated September 2006.

I move:

> That the Assembly takes note of the ministerial statement.

In April this year the Department of Disability, Housing and Community Services, with my support, commissioned a study into the individual cases of five children, three of whom had died and two who had experienced near-death situations in the ACT over the previous six months. The Murray-Mackie study was completed last month. In August this year I committed to releasing the recommendations of that study as a means of keeping the community informed of the progress of reform in the area of child protection. Today I am providing to the Assembly and, through it, to the community the complete set of recommendations of that study, which I will refer to as the Murray-Mackie study.

In the interests of informed community discussion I am committed to publicly releasing as much information as possible. This study's content, however, relates to highly confidential information about five children and their families and, therefore, there are restrictions on what information can be released. The Children and Young People Act 1999 is clear in its intention regarding confidentiality. Because of the small number of children examined in this study, to release information in a de-identified format would be inappropriate. The families involved in this study have rights that need to be observed as well, and I am mindful of the possible adverse effects on families of putting any detail of these children's deaths into the public domain.

Gwen Murray, a criminologist, and Craig Mackie, a lawyer, are nationally recognised experts in child protection and child death review. Gwen Murray had previously assisted the government by conducting a comprehensive audit of 150 children in care, as part of the Vardon review in 2004. This study was requested by the department, following a number of infant deaths and near deaths in the ACT involving young children known to Care and Protection services, to ensure best practice in relation to vulnerable infants. It follows on from the 2004 Vardon and Murray reports, and the recommendations of all three reports move from the general to the specific in terms of subject and detail.

While the Vardon report discusses the system as a whole, the Murray report only pertained to children in the care of the territory. This most recent study pertains to five children, none of whom were in care. Specifically, Gwen Murray and Craig Mackie were commissioned to conduct a study of five young children who had either died or nearly died while in the care of their natural parents. The parental responsibility for these five young children lay with their natural parents. None of these children was in the care of the territory, nor had they ever been. They were, however, in one way or another known to Care and Protection. "Known to Care and Protection" is the broad term indicating that at some time in the life of the child, Care and Protection had been contacted about them or their families.

Part of the reason for commissioning this study was to better understand the nature of the contact between Care and Protection, the young children and their parents. The study highlights the complexity of working with vulnerable parents with complex issues who are caring for children. More broadly, it points to the need for a more integrated service response to better ensure the safety of at-risk children. The study reinforces the observations of the Vardon report that the responsibility for protecting children does not lie with one agency alone. For example, Care and Protection, health, the police, community agencies and the community itself all have significant roles in intervening when children are at risk.

The study was established to analyse only the Care and Protection response in these five cases to inform ongoing practice, procedures and policy. I want it to be clear that the study was not an holistic look at these babies' deaths. It did not examine, for example, the files or response of other government or non-government agencies who may have been involved with these families. The review was commissioned specifically to examine the child protection interaction with these babies. In many cases, but especially complex cases, Care and Protection would be just one agency involved. To this end—and it is reflected in the recommendations—there is a continual need to improve coordination between agencies when intervening with children and families at risk.

Specifically, the recommendations address: the interaction and coordination of various government services; the needs of very young and unborn children, including the need for legislative change to support pre-natal reporting of suspected abuse; the specific needs of children affected by family violence and parental substance abuse; and the need for specific policy practice and training of staff in best practice responses to very young children.

Mr Speaker, as members know, in the last two years the structure and delivery of child protection services in the territory has been the subject of a comprehensive reform process. Many reforms have been completed. Others, of course, will be ongoing, such as improvements to policy, staff support and training, and continuous review and monitoring. As I have reported to the Assembly on three occasions, considerable progress has been made in implementing the recommendations of the 2004 Vardon and Murray reports.

The commitment of the department to transparency and compliance has been demonstrated by the Murray-Mackie study. As I have said, the study's recommendations have provided new and more specific insights into the way we protect children. These will further inform policy and practice improvement. In line with these recommendations, over the next 12 months the department will continue to broadly improve the Care and Protection system while strengthening our response to the specific needs of vulnerable groups of children. It is this focus on vulnerable groups that will be reflected in new policy and procedures. The Murray-Mackie study goes further than the Vardon and Murray reports in that it provides a specific analysis of how interventions actually occur in practice and identifies further reform that is needed.

Mr Speaker, we need to continually examine what we are doing to ensure that we are providing Care and Protection to the best of our ability. This is a very complex area of human service that places great demands on children, parents, carers, policy makers and workers. There is no simple solution to addressing the needs of some families. There is no perfect model nor any magic wand.

We began a significant reform process with Vardon and Murray and this study will provide the basis of a further refining of a five-year reform agenda for Care and Protection and associated agencies. This agenda will encompass the system, structure, relationships, services, policies, procedures and practices, staffing, culture and training. Its focus includes child-centred practices, collaborative practices and improving reporting and information systems. In regard to these matters, the Murray-Mackie study specifically draws attention to antenatal reporting, vulnerable infants, drug-affected babies, discharge meetings at hospitals, urine and medical testing of children and the enforcement of urine testing of parents. All Australian jurisdictions currently face the effects of endemic abuse of drugs and alcohol and the generational cycle of abuse in families. In this context, the study acknowledges the day-to-day reality of the difficult work for front-line child protection workers.

Throughout the entire reform process in Care and Protection I have released to the public all the information available. The Vardon and Murray reports were released in their entirety, as were the government's response to those reports. The Murray-Mackie study is different to the previous reports in that it focuses specifically on the individual files of

five children and, as a result, the study itself cannot be released to the public. However, I would like to be able to address some of the community concern that has arisen with the public knowledge of the tragic deaths of these babies, and it is in this context that I comment on the tragic death of Trinaty Howarth in 2005 that has recently been reported.

Trinaty Howarth was not one of the five children examined in the Murray-Mackie study. Trinaty and her family had not been reported to the department prior to the event leading to her tragic death. Trinaty, in fact, only came to the attention of Care and Protection when she had been admitted to the Canberra Hospital in a critical condition. Prior to this report, ACT Care and Protection services, in the Office for Children, Youth and Family Support, had not known Trinaty or her family. An article in the *Canberra Times* on 25 August headed "A cruel, pointless end to a young life" wrongly made a connection between Trinaty's death and the death of the other children who died in the past two years and who were known to Care and Protection.

The circumstances regarding the death of Trinaty were very different to the deaths examined in the Murray-Mackie study. It is alleged that Trinaty died as a result of an assault—a matter that is currently before the criminal courts. On initial advice, the young children subject to the Murray-Mackie study are believed to have died as a result of their sleep environment—although these matters may be subject to coronial inquiry. Police have laid no charges in relation to these deaths.

This point of distinction between the circumstances of Trinaty's death and that of the infants subject to the study was reinforced by Dr Sue Packer, a Canberra paediatrician and the ACT president of the National Association for the Prevention of Child Abuse and Neglect, during this year's recent National Child Protection Week. Dr Packer said that many incidents of child neglect were due to ignorance rather than malice and that there is a lot more that is sad than bad in many cases. Dr Packer went on to state that while the deaths considered by the study were sudden and unexplained—until the coroner reports—they highlight a concern that these babies may not have been in a safe sleeping environment.

During Child Protection Week, the National Association for the Prevention of Child Abuse and Neglect, also known as NAPCAN, launched a chart for parents, including a thermometer, to explain safe sleeping. The association is keen to make this chart available to all parents of infants in the ACT. To this end, the government has undertaken to sponsor this initiative through the departments of health and disability, housing and community services.

Mr Speaker, on 24 August I advised the Assembly that five children known to Care and Protection in the ACT had died in the last two years in tragic circumstances. Subsequently, I have been advised that they have since been notified of a premature baby at the Canberra hospital who died before it was able to be discharged. As is the current practice, this latest reported death has been referred to Gwenn Murray and Craig Mackie for examination. I will continue to request such analysis to ensure that we continue to improve our responses to children at risk in our community.

The recommendations that I table today will, as I have outlined, significantly assist our collective efforts to deliver better quality services for children at risk. Substantial elements of the continuing reform program were already in progress prior to the study

being initiated, which will now align with these recommendations. ACT Health liaison officer and child protection health liaison officer positions have been created and are working to bridge communication between the two services. They have a key role in the development of improved working together practices.

The department has been working with a number of government and non-government agencies to develop an integrated family support program. This program will provide an integrated response to vulnerable families, linking them into support programs in the community. We have strengthened the legislation with amendments that came into effect on 1 August that aim to: lower the threshold for children at risk and allow the department to better respond to children at risk of abuse and neglect; change the information provisions to create the capacity for information exchange in the best interests of the child to non-defined entities; and strengthen the focus on the best interests of the child.

The office helped establish and has contracted the Institute for Child Protection Studies to undertake a range of work to inform our practice and new policies and procedures. The policy manual is being revised and training developed to embed practice improvements. The review is of all phases of practice, starting from the initial recording of a child protection report in the centralised intake service through to the transition planning of children and young people leaving care.

Care and Protection is strengthening the supervision training provided to team leaders and is developing a new supervision arrangement. The Care and Protection health liaison officers have also been working in conjunction with the staff training and development unit towards developing ongoing opportunities for regular training in health matters, including safe sleeping, for Care and Protection services staff and joint training with ACT Health staff. Gwen Murray has been consulted in the development of new policy and procedure and is providing a step-by-step critique as the policy is developed.

Since the study has been received a great deal of progress has been made on its implementation. In the near future, Gwen Murray and Craig Mackie will visit the ACT to hold meetings with Care and Protection staff and ACT Health staff to discuss the recommendations in this study and strategies for improved combined practices regarding infants and children at risk. They will also work with senior staff in both health and the office to implement recommendations relevant to both agencies. A senior officer from ACT Health has been appointed to Care and Protection to contribute to the implementation project and coordinate ACT Health's involvement. This person is the clinical operations manager for the child, youth and women's health program and supervises the ACT Health liaison officer.

There are also a number of joint initiatives between Care and Protection services and ACT Health to improve the outcomes of unborn children and infant children assessed to be at risk. These include:

- the peri-natal project, which will focus on earlier reporting of parents and babies at risk;

- the birth to two-year-old parental drug dependent project which focuses on improved practices for working with methadone and other drug dependent mothers;

- the birth to two-year-old child and family centre project. This project will focus on child and family centres providing an intensive early intervention service to families to reduce re-reporting rates to Care and Protection services;

- NAPCAN, with the support of ACT Health, is providing ongoing training to ACT Health staff and Care and Protection staff on safe sleeping practices for babies.

Practice directions will be issued next week to all child protection staff in relation to the recommendations. These practice directions will come into effect immediately and change practice in the following areas:

- the handling of and responding to child protection reports of unborn children;

- the inclusion of siblings in child protection reports;

- the assessment of babies born believed to be drug affected or drug dependent;

- the changing of risk assessment ratings between operational areas;

- the "triggering" of reports on siblings who have been identified to be at risk through the court process; and

- the need to obtain written consent from carers to access information from external agencies.

Meanwhile, the office continues with its commitment to review its work. We are moving forward in this area of complex work and I am pleased that the study I requested has helped provide another step in this journey forward. The study has confirmed the importance of coordination and collaboration across various government agencies and the community—something we will be working to enhance in the next phase of the reform program.

In conclusion, I would like to emphasise that it is the responsibility of everyone in the community to look out for and take care of our children. Child protection officers are at the front line of this work but often these children are known to a number of different agencies, both government and non-government.

I would also like to acknowledge the front-line child protection workers who deal day-to-day with children and their families, and our community sector partners in child protection and children's services. They continue to work with us to strengthen our combined responses and to ensure that we are constantly looking forward and implementing best practice frameworks and services for our children. I thank members of the Assembly for their interest in this very important matter.

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

**Sitting suspended from 12.10 to 2.30 pm.**

## Questions without notice
### Rhodium Asset Solutions Ltd

**MR STEFANIAK**: My question is directed to the Chief Minister. Chief Minister, yesterday you stated that a reference to a "lack of clear strategic direction" on page 3 of the performance audit of Rhodium was a "gratuitous comment" by the Auditor-General. In fact, the Auditor-General refers to this issue consistently in her report. In the key findings under the governance and accountability section on page 25, the Auditor-General found:

> Rhodium has been facing uncertainty since its establishment due to a lack of clear strategic direction from the Shareholders. Consequently, it was difficult for Rhodium to provide and commit to appropriate long-term strategic planning to achieve its business objectives and maximise the returns to the Shareholders.

Why did you refer to the Auditor-General's reference to the "lack of clear strategic direction" by shareholders as a gratuitous comment, when the Auditor-General listed it as a key finding?

**MR STANHOPE**: I make it perfectly clear that nowhere in the Auditor-General's report in relation to Rhodium does the auditor suggest that any of the adverse findings in relation to failure of management at Rhodium, as revealed most starkly in the report, were a result of any action or lack of action by the shareholders. That is clear; we all accept that. At least I hope we accept that because they are the facts of the matter.

The Auditor-General did not—I repeat—at any stage suggest that those serious and accepted management deficiencies at Rhodium stemmed in any way from a lack of strategic direction by the shareholders. Any such interpretation, or any attempt at putting that spin or gloss on the Auditor-General's findings, would be a gross distortion of the Auditor-General's report.

The Auditor-General's comments about strategic direction relate simply, as I explained yesterday, to the fact that the board has inevitably been required to manage in a quite uncertain environment while the government has considered the sale of Rhodium. It is hardly a surprising finding or suggestion that the shareholders had not provided a long-term strategic direction for Rhodium. The indication that the shareholders had consistently provided—certainly during the course of this year—was that they had a view that Rhodium did indeed not have a future as a territory-owned corporation. Indeed, that decision was ultimately taken in June, when I announced the establishment of a scoping study with a view to the sale of Rhodium.

It is quite logical that the Rhodium board acted in an environment of some uncertainty as a result of decisions taken by the government to sell the business. I am not quite sure how a shareholder that has taken a decision that is probably in the best interests of the shareholders to sell the business—to divest themselves of the undertaking—can at the same time purport to provide long-term strategic direction to that business that it intends to sell. How does one do that? How do you provide long-term strategic direction to a business that you intend to sell? It cannot be done. It is quite obviously such a contradiction to suggest that, in an environment in which one has come to a conclusion

that one would divest oneself of a business, you can provide long-term strategic direction to that business, which in a reasonably short period you no longer intend or expect to own.

**MR STEFANIAK**: Mr Speaker, I have a supplementary question. Chief Minister, what confidence can ACT public servants have in their capacity to offer the government frank and fearless advice when you attack an independent watchdog as you did yesterday in this place? Will you now apologise to the Auditor-General?

**MR STANHOPE**: I am sure that you and everybody else in this place knows that, in the event or eventuality that I ever said anything inappropriate or untoward, I would be the first to apologise. I am more than happy to review the *Hansard* and give consideration to whether I could possibly have said anything inappropriate or untoward. But I cannot imagine that I would or that I did.

## Arts—ScreenACT

**MR MULCAHY**: My question is to the Minister for the Arts. In light of your recent statements indicating the government's intention to outsource the running of ScreenACT to the private sector, can you advise the Assembly how overall film-related funding through artsACT has been determined and awarded?

**MR STANHOPE**: As members would be aware, ScreenACT was an initiative first developed through the economic white paper. Two years ago, it received funding for a period of four years. That funding will continue for two years.

ScreenACT is also a collaborative arrangement between the ACT and New South Wales governments. It is a ratio of two or three to one in the context of resources to ScreenACT from the ACT and New South Wales governments. We have been providing resources of somewhere in the order of $250,000 to $300,000 a year to ScreenACT. The New South Wales government has been providing, as I indicated, at a proportionate rate of around one-third of that.

As the shadow Treasurer has indicated, the government has, through the last budget and in statements I have made at Focus on Business last week, indicated that the government proposes to pursue an alternative direction. At this stage, it is the government's intention to seek expressions of interest and seek from the private sector proposals for the future conduct of industry support for the film industry in the ACT and region.

We believe, in the context of decisions taken in the budget on the shape and the future of the ACT government's administration, including BusinessACT, that we can effectively partner with the private sector and the broad industry involved in film to better deliver the range of support which has been delivered to ScreenACT in the last two years. There is significant interest.

I have had meetings most specifically with the business council and with individual members of the film industry within the territory. There is a high level of support and interest in the model which the government is proposing. It is my intention to formally seek expressions of interest and feedback some time within the next couple of weeks.

As to the specific question about details of funding, I will need to take that part of the question on notice. I will report back to the Assembly.

**MR MULCAHY**: Can the minister assure the Assembly that overall film-related funding through artsACT has not been simply bestowed on a small group of professional production houses at the expense and discouragement of genuinely independent and aspiring young filmmakers?

**MR STANHOPE**: Once again, I will take the specific part of the question on notice. I am happy to provide the Deputy Leader of the Opposition with information on grants and the details of those grants provided by artsACT to filmmakers and the film industry generally. Certainly, all of artsACT's and all of the ACT government's processes on the making of grants are rigorous and transparent. There are high levels of independence on decisions on the dispensations of grants and the recipients of grants.

I certainly do not accept that there has been any favouritism, bias or lack of transparency or objectivity in the decision making on grants made by artsACT to the film industry. I have absolutely no doubt that the processes utilised by artsACT and the independent advice which it takes on all grants has been rigorously pursued in relation to grants to members of the film community, as with all grants. I am more than happy to provide details of those grants and the recipients.

I am sure, upon receipt of that, the Deputy Leader of the Opposition will be more than satisfied at the merit of each of those applicants and the recipients. To suggest that any of the recipients of artsACT funding were less than meritorious or were not worthy of receipt is something that we would all reject. I am sure that, upon receipt of the details of those recipients, Mr Mulcahy will be the first to accept that.

## Democratic rights of ACT residents

**MR GENTLEMAN**: My question is to the Chief Minister. Chief Minister, given your responsibility for relations between the Australian Capital Territory and the commonwealth, are you aware of the Australian Capital Territory (Self-Government) Amendment (Disallowance Power of the Commonwealth) Bill 2006, introduced into the commonwealth parliament by Senator Bob Brown? What is the significance of Senator Brown's bill?

**MR STANHOPE**: I think that it was a very significant attempt by the Greens, supported by the Labor Party in the Senate to ensure that the people of the ACT achieved to the greatest extent that the constitution permits their democratic rights and equality with other Australians. I think that this is a very fundamental issue.

**Mr Pratt**: Is this your bid for preselection for the hill, Jon?

**MR STANHOPE**: It is fundamental, of course, to the strength of any democracy that people have the capacity to elect their representatives to make laws and to accept that those laws that are made by their elected representatives will, until changed by the democratic process, represent the will and the desire of the people of that place. That is a

simple explanation and understanding of the proposal which Senator Bob Brown introduced and which, I am pleased, was supported by the Labor Party.

One of the other important aspects of the introduction of the legislation and its debate was the fact that the Liberal Party within the ACT, supported by the Liberal senator for the ACT, Senator Gary Humphries, did not believe it appropriate to agitate or advocate on behalf of the people of the ACT for their democratic rights. It is, I think, an indictment of any politician purporting to represent a constituency to abandon the role of advocacy and leadership of those constituents' democratic rights. To suggest that it is appropriate for us, the people of the ACT, to have our laws subject to possible annulment by executive fiat really is a remarkable position for a party which espouses to be the alternative government or wishes to be the alternative government and which wishes to lead the people of the ACT to take.

**Mr Pratt**: It is too late, Jon. Preselection has closed.

**MR SPEAKER**: Order, Mr Pratt!

**MR STANHOPE**: They seek, in defence of their position not to support the democratic rights of the people of the ACT, to refer to the fact that under section 122 of the constitution the commonwealth has plenary powers and can overturn any law of the territory. We understand that.

**Mrs Dunne**: Yes, funny about that, the constitution does get in the way, doesn't it?

**MR STANHOPE**: It doesn't get in the way; that is the point. It is disingenuous, it is dishonest, to suggest that there is an overarching power within section 122 which invests plenary powers in the commonwealth and there is therefore no basis on which one would support the overturning of the use by the executive of its fiat. Without debate in the parliament, without any attempt at justifying a position through alternative legislation that they then represent as inconsistent so that section 122 might operate, they say that they believe it is appropriate for a minister simply to send a note to the Governor-General, an unelected official, so that by executive fiat we have the Governor-General, a figurehead, overturning the laws of one of the territories. The Liberal Party in this place think that is appropriate. They think it is appropriate that a minister—

**Mr Corbell**: Shameful.

**MR STANHOPE**: It is truly shameful that the Liberal Party in this place, in this Assembly, representing the democratic aspirations of the people of the ACT, are not prepared to stand up and defend this basic right not to have the laws of its elected representatives at least face the furnace or the blowtorch of a debate in the federal parliament of opposing legislation.

Exacerbating that, the Leader of the Opposition, as we can see from press statements made today, has informed us that he will be meeting with Attorney-General Philip Ruddock and state opposition attorneys this weekend in another lovefest, and Mr Stefaniak will be taking to the meeting of opposition attorneys-general a proposal to forcefully advocate for the Attorney-General to intervene to overturn another ACT law.

The Leader of the Opposition takes this position in relation to non-support, non-advocacy or non-leadership in relation to the democratic rights of the people of the ACT by proudly announcing today, beating his breast, that he proposes to go to a meeting on the weekend to advocate forcefully for the commonwealth to intervene to overturn another democratically passed piece of law of the ACT. It is shameful.

**Mr Pratt**: Go, Philip. Save the people.

**MR SPEAKER**: Mr Pratt, you are a repeat interjector. Discontinue interjecting.

**MR GENTLEMAN**: I ask a supplementary question. Chief Minister, what is the significance of the self-government act 1988 to the governance of the Australian Capital Territory?

**MR STANHOPE**: The self-government act is, of course, our constitution. It is the most significant piece of legislation of direct relevance to the people of the Australian Capital Territory.

**Mrs Dunne**: Mr Speaker, I raise a point of order. Has Mr Gentleman sought a legal opinion from the Chief Minister?

**MR SPEAKER**: I did not hear the question that way. Would you repeat the question?

**MR GENTLEMAN**: Mr Speaker, I asked the Chief Minister: what is the significance of the self-government act 1988 to the governance of the Australian Capital Territory?

**MR SPEAKER**: Thank you. There is no point of order.

**MR STANHOPE**: The question asked whether the self-government act is significant. The self-government act is significant to us. It is significant to the government and it is significant to the majority of the people in the Australian Capital Territory. But it loses its significance to the opposition and the Liberal Party in the territory and in this place when the exercise of their democratic rights by the people of the Australian Capital Territory does not quite meet the ideological position of the Liberal Party.

We see that in the callow and shameful position that the Liberal Party has taken in relation to the civil unions legislation and the now shameful proposal that Mr Stefaniak intends to take to a meeting of shadow attorneys-general this Saturday. He proposes to forcefully and vigorously plead with the commonwealth Attorney-General to overturn another piece of ACT legislation.

It is remarkable that the Leader of the Opposition of a jurisdiction in Australia would go to the commonwealth government and plead with the commonwealth government to overturn legislation that was passed as an expression of the will of the people who elected the government that passed that legislation. It is what a mandate is about. It is the fundamental and basic principle of democracy that the people elect the government to make laws on their behalf. We are seeing callow, placid obsequiousness to the federal government through both the civil unions legislation—

**Mr Smyth**: He is a bit touchy today.

**Mr Mulcahy**: He is actually trying to protect the people of the ACT, Jon.

**MR STANHOPE**: If you do not like the civil unions legislation, go out and put your case at the next election and actually seek a change of government through the democratic process, rather than these serial attempts to undermine it. This is the third occasion in a number of months this year on which the Liberal Party in the Australian Capital Territory has completely abandoned any commitment to the democratic rights of the people of the ACT.

They advocated that the commonwealth should overturn the civil unions act. This weekend they are advocating that the antiterrorism legislation should be overturned. They refuse to support a basic amendment proposed by the Greens and supported by the Labor Party in the federal parliament that would have at least required the commonwealth government, if it sought to overturn ACT legislation, to introduce conflicting legislation so as to create a distinction between a commonwealth overriding or overarching position and an inconsistent law that it had then created within the territory, thus bringing into play section 122.

To advocate that it is appropriate for a commonwealth minister to exercise, through executive fiat, the power to overturn ACT legislation really is a shameful position. It is shameful that you are not prepared to support the basic democratic rights of the people of the ACT.

## Children—grandparenting program

**DR FOSKEY**: My question to the minister for community services, Ms Gallagher—a trifecta for this week—is in regard to the grandparenting program that was the outcome of a partnership between Marymead, Relationships Australia and Canberra Mothercraft Society. Members might be aware that grandparents are not eligible for the funding and support that governments provide to foster parents, although they often perform a similar role. Members would be interested to know that the grandparenting program was supported by the ACT government to the tune of $15,000 to $20,000 a year—funds used to coordinate a program that referred people to Relationships Australia, produce a monthly newsletter and cater for regular support meetings—

**Mr Mulcahy**: On a point of order, Mr Speaker: this is interesting and historical but can we get to the question. We are having a long dissertation.

**DR FOSKEY**: Whose side are you on, Mr Mulcahy?

**MR SPEAKER**: Order! There is scope for some background in asking a question.

**DR FOSKEY**: Although Mr Mulcahy is not interested—he probably knows all about this program—I will explain. I understand that Marymead, which had sought continued support from the ACT government, is now attempting to fund the program itself. Could the minister please advise the Assembly what social impact analysis was conducted to inform the decision to cut funds to this small but important program and can a copy of that analysis be provided to the Assembly?

**MS GALLAGHER**: I thank Dr Foskey for the question. Dr Foskey, I will get an update on that issue. Although I am not aware of the details of the scenario which you have talked about today, I am aware of the program. As for the funding arrangements, I am not sure what part of the department it is funded from—whether it is recurrent funding or a one-off project funding. Certainly, I will get an update on it for you.

Members will be interested to know that community services ministers around the country met with the federal minister and raised this issue of the increased use of grandparents in care arrangements for children and the fact that we are seeing a lot more grandparents effectively taking up permanent parental responsibility for children around the country, which is not showing any signs of decreasing. A piece of work is being done through that ministerial council to look at the issue and certainly to push for grandparents to be eligible for payments from the commonwealth for taking care of their grandchildren, and I image this would flow on to the states through the foster care arrangements. I will get an update from the department in relation to the Marymead program and get back to the Assembly.

**DR FOSKEY**: Mr Speaker, I ask a supplementary question. Are you prepared to meet with some of the 87 grandparents involved and provide some guidance and encouragement for them in their search for additional support?

**MS GALLAGHER**: I am happy to meet with anyone who requests a meeting with me. I cannot recall having had a representation—not recently anyhow—on this program. I meet with pretty much anyone who requests a meeting where it is appropriate and relevant to my portfolio. I am not unhappy to do this. I meet with Marymead quite often. In fact, a few days ago I was at a meeting with Dawson Ruhl, the chief executive of Marymead, and he did not mention this to me then. Dawson, sits on the Children's Services Council, which provides advice to me as the minister on matters affecting children. So there has been an opportunity for this to be raised with me. However, I am more than happy to meet with people. I suggest that I get some advice, provide it to the Assembly and then we can take it from there.

## Rhodium Asset Solutions Ltd

**MR SMYTH**: Mr Speaker, my question is to the Chief Minister and Treasurer. Chief Minister, in question time yesterday you used words such as "absolutely absurd", "nonsensical", "no nexus", "fanciful" and "dishonest", in response to suggestions that the auditor had made adverse comments about the role of the shareholders in relation to the operations of Rhodium. You indeed asked that someone point out references.

On page 8 of the report summary it says that "due to the lack of strategic direction from the shareholders" Rhodium was hindered. On page 25 of chapter 3, a key finding was: "due to the lack of clear strategic direction from the shareholders". On page 29 of chapter 3, "a lack of clear directions from the shareholders" appears again. On page 32 of chapter 3, in the conclusion, the auditor says that the absence of clear directions by the ACT government as shareholders had again hindered the function of Rhodium. Chief Minister, how can you reconcile your statements yesterday with the numerous negative statements—some 13 of them—made by the auditor in the report on Rhodium questioning the lack of clear, strategic direction from Rhodium's voting shareholders?

**MR STANHOPE**: Thank you, Mr Speaker. I recall using some of those words yesterday—"facile" and "fanciful". I am sure, in relation to all of the words listed by Mr Smyth, they were directed at him. In the context of the rest of the question, I think it is incorporated within my answer to Mr Stefaniak. I stand by that answer.

**MR SMYTH**: Mr Speaker, I have a supplementary question. Chief Minister, why did you make such inaccurate criticisms of the content of the report from the Auditor-General yesterday? Have you actually read the report?

**MR STANHOPE**: I did not make inaccurate statements yesterday, Mr Speaker. The question really is based on an assertion that is not justified. It is difficult with these questions where there is a false assertion followed by a question. One has difficulty in answering because the whole premise of the question and the preamble are false. It is simply not possible to answer questions based on those false preambles.

**Mr Smyth**: It just proves exactly what you said. Have you read the report?

**MR SPEAKER**: Order! Mr Smyth, you are a serial interjector. You have to stop it.

## ACTION bus service

**MR PRATT**: My question is to the Minister for the Territory and Municipal Services. You and your officials are stating publicly that bus drivers are now going to be paid on average $70,000 per annum, that they have no right to complain and that this is perhaps the best salary in the country for bus drivers. Yet the union insists that this figure is grossly misleading, that the true average wage is $52,000 per annum for a standard working week and that drivers with families could not hope to aspire to the $70,00 per annum salary which you are braying about. Why are you and your officials, in your struggle with the union, misleading the public and further enraging the drivers?

**MR HARGREAVES**: I do not remember using that figure. In fact, I can tell the Assembly absolutely categorically that I have not used that figure.

**Mr Pratt**: On ABC radio?

**MR HARGREAVES**: Mr Pratt enjoyed access to ABC radio this morning that nobody else did. I am looking forward to tomorrow when the ABC apologises for the lack of notice that the bus drivers were going to go on strike. We all look forward to listening to ABC radio first thing in the morning. Without seeing the reference that Mr Pratt refers to, I am going to treat his comment in the same way as the Chief Minister treated Mr Smyth. You instantly suspect that it is based on a false premise. I have been given no proof that I have said such a thing. I deny ever having said such a thing. In that case, I am not going to respond to Mr Pratt.

**MR PRATT**: My supplementary question to the minister is: given the statements made by your officials on ABC radio yesterday, why are you inflaming the situation and causing further disruption to the public?

**MR HARGREAVES**: In response to the supplementary question—and it is only a half-sensible question—the fact is that Mr Pratt refuses to understand that the conversations that we have been having with bus drivers through their union have been on a whole range of issues over an enormous length of time. There has been substantial agreement on all of the issues bar one.

As I said in this place yesterday, the stop-work and its effect on the community of Canberra are deeply regretted by the government. I stand by that. The government has absolutely no ownership of the disruption. In fact, the government was quite supportive of the union taking the first two stop-work meetings and undertook extensive consultation to make sure the community was not disadvantaged. Without that notice yesterday morning, we were unable to announce it. I reject the notion that the government is responsible for any disruption.

I reject the notion that we are not in a decent partnership with the bus drivers through the union over the changes which will be introduced in ACTION, some details of which I announced yesterday. In fact, the relationship that the government has with the Transport Workers Union is healthy and is based on a reasonable amount of trust and certainly a significant amount of transparency and openness, something with which these people are not acquainted.

## Rhodium Asset Solutions Ltd

**MRS DUNNE**: My question is to the Chief Minister and Treasurer. Chief Minister, in question time yesterday you sought to criticise the ACT Auditor-General for not consulting you as a voting shareholder in Rhodium. Paragraph 1.16 of the report on Rhodium—and this is fairly standard in most reports—states:

> In accordance with section 18 of the *Auditor-General Act 1996*, a final draft of this report was provided to the Chief Executive of the Department of Treasury …

Treasurer, did your Chief Executive mention to you or discuss with you the contents of the auditor's final draft report on Rhodium? If so, what feedback did you provide on the content of this report?

**MR STANHOPE**: The auditor did provide the final draft of the report to the Under Treasurer. I was aware of the final draft report. The Under Treasurer responded. Of course, the Under Treasurer's responses to the draft final are included in the final, as are those of the board. Indeed, some comments of the immediate past chief executive officer are incorporated within the draft final report.

I did not seek to criticise the Auditor-General at all in my comments yesterday. That is simply a spin that you are creating today for your own purposes. I, in response to questions that sought to suggest disingenuously and misleadingly that the Auditor-General had drawn a nexus between—

**Mrs Dunne**: Mr Speaker, I rise on a point of order. The Chief Minister has asserted that questions yesterday were designed to mislead. I think that should be withdrawn.

**MR SPEAKER**: I do not think I can draw that inference.

**Mrs Dunne**: That is what he said. The Chief Minister said that questions were misleading. That implies that the questioner was misleading. And seeing that it was in here, the question was misleading the Assembly. It should be withdrawn.

**MR SPEAKER**: That is being a bit oversensitive. Chief Minister, continue. Mrs Dunne, that is not a point of order.

**MR STANHOPE**: Yesterday during question time in the Assembly I responded to questions that I perceived to be designed to misleadingly draw a nexus between adverse findings made by the Auditor-General in relation to management failings in Rhodium and the shareholders. That is what the questions were designed to achieve.

Questions today have been designed to achieve the same end. The questions have been designed to jump from the day-to-day management of Rhodium—straight over the top of the board and the chairman—to the shareholders. Why are the questions designed in this way? Why are the questions designed to take this leap from actions within Rhodium such as inappropriate use of credit cards by staff at Rhodium? Why are the questions designed to jump from that behaviour—as reported in the Auditor-General's report—over the top of the board, which has statutory responsibility for the day-to-day management of the corporation, to the shareholders?

The answer is simple and understandable: because I am here and they are not. And you have to get past me to get to this side of the chamber. Of course, this is just part of the political argy-bargy, part of the political to-and-fro, part of the game around "how can we get through a damaging report in relation to the management of an independently managed statutory corporation to the Chief Minister?" You do it by drawing all sorts of conclusions that are not substantiated by facts which are not included in the report. Not even within the report, anywhere, is there is a single suggestion, or innuendo even, that any of the actions—the subject of the audit report—occurred as a result of actions that the shareholders may or may not have taken.

We now have this bizarre suggestion that the Liberal Party would put abroad that the fact that an officer of a statutory corporation, independently managed by an independent board of directors, not subject to direction by the shareholders—

**Mr Smyth**: Page 32.

**MR SPEAKER**: Order! Mr Smyth, I have almost pleaded with you not to interject. You are on a warning.

**MR STANHOPE**: This scenario now being sought to be painted is that, because there were most worrying breaches of standard in relation to the use, for instance, of corporate credit cards, somehow a minister, a shareholder, would have some responsibility for the fact that an employee of an independently managed statutory corporation behaved in an inappropriate way. It is a bit like asking the collective Liberal Party office to accept responsibility for the fact that Mr Stefaniak broke the law when he drove his car with his telephone to his ear. Was that your responsibility?

**MR SPEAKER**: The Chief Minister's time has expired.

**MRS DUNNE**: Mr Speaker, I have a supplementary question. Chief Minister, as you say that you were aware of responses, why did you criticise the auditor for not providing an opportunity to respond to the report?

**MR STANHOPE**: I did not. You need to go back to what I said yesterday. What I said was: "Is it being suggested?"

**Mrs Burke**: You cannot remember. It is that memory thing again.

**MR STANHOPE**: No. I have actually got it here. I was raising the rhetorical point. It was a rhetorical question. Go back and look at the transcript. "Is it being suggested," I said—or words to that effect—"that the Auditor-General would make adverse criticisms in the context of the damaging findings included within the report of shareholders without giving the shareholders an opportunity to respond?"—if that were her intention or if that were indeed what she did.

The point is that the Auditor-General did not make adverse findings in relation to the shareholders. Had she made adverse findings, or had she intended to make adverse findings, the rules of natural justice demand that those against whom adverse findings would be made would be availed personally of an opportunity to respond to those adverse findings. That is the fundamental and first and basic rule of natural justice—that anybody against whom an adverse finding of any sort or order is to be made will be given an opportunity to respond.

I was not asked for a response. No other shareholder was asked for a response. Therefore, the logic follows: either there is no adverse comment, which is the case, or, if there was an adverse comment, then the Auditor-General has failed in her duty to ensure that the rules of natural justice were complied with by not providing an opportunity to respond. So what is your interpretation? Was there an adverse finding or was there not? Did the Auditor-General fail in her duty to ensure natural justice was done or did she not? The answer is quite clearly that there is no—

*Opposition members interjecting—*

**MR STANHOPE**: You cannot have it both ways. You are now criticising the Auditor-General. That is the point I made yesterday. If there is an adverse finding then the shareholders should have been provided with an opportunity to respond, and they were not. Therefore there is a breach of natural justice. Are you alleging a breach of natural justice? If so, you should apologise immediately.

## Rhodium Asset Solutions Ltd

**MRS BURKE**: My question is to the Deputy Chief Minister, Ms Gallagher. Ms Gallagher, yesterday you said that you had only recently become a shareholder of Rhodium. What handover arrangements were undertaken at the time of your becoming a shareholder to ensure that you were briefed and brought up to date regarding your responsibilities and issues currently before the board?

**MS GALLAGHER**: I have received a brief from the Chief Minister. In fact, I can inform the Assembly that I was appointed a shareholder of Rhodium in May, a couple of months after the period that the report looked at. I think it went up to about 13 March. So I was appointed post the Auditor-General's inquiry. I have had a number of occasions to talk to the Chief Minister about Rhodium and all matters pertaining to it and my duties as a shareholder.

**MRS BURKE**: I ask a supplementary question. Minister, when did you first become aware of the problems surrounding Rhodium?

**MS GALLAGHER**: I cannot exactly recall. I imagine it was in a discussion with the Chief Minister at some point. I am not going to give you a date because I cannot give you that date off the top of my head. I think it was brought to my attention by the Chief Minister in a discussion I had with him.

## Schools—closures

**MR SESELJA**: My question is to the minister for education and relates to the average cost per student, published as part of the *Towards 2020* package. At public forums you acknowledged that the cost per student included the cost of children with special needs. You said that you would publish revised average cost per student figures which would separate the cost of children with special needs. Despite making this undertaking at least twice in June, I understand you still have not made these figures available to the community. Why have you not made these figures available?

**MR BARR**: I thank Mr Seselja for the question. There are a number of issues associated with the provision of such data. Given the small numbers of students within an individual school that would potentially go to identify those individuals and the costs associated with their specific education at a specific site, there are a number of privacy concerns that have to be considered.

The information on the average cost of students with special needs was provided and was discussed in some detail during the estimates process. There are a number of individual school sites where the number of students to whom the data would apply is such that it would not go to identify individuals.

There are also issues about the different nature of special needs and their provision within a mainstream teaching environment or within a special needs unit. The costs overall do not significantly alter the published information that the government has made available in the *Towards 2020* web site in considerable detail, breaking down those costs into a variety of different categories.

It is obviously the government's intention to make as much data as possible available. The array of information that is available on the *Towards 2020* web site demonstrates that. The breakdown of costings for each individual school is quite considerable. I am, obviously, taking further advice from the department on our ability to provide the data in a useful way and in a way that will not compromise an individual's educational needs in terms of the cost provision that is clearly there.

The government acknowledges, as I have at numerous public meetings, that there are additional costs associated with providing education for students with special needs. The average cost is available and was made publicly available through the budget process. As I said, we had considerable debate on this issue in the estimates process. I indicated at a number of meetings with organisations, with individual school groups and with individuals that I am not going to compromise and seek to single out individuals within schools on the basis that they might attract educational resources.

One of the key issues that are in play in this debate more broadly is, in fact, that educational resources are devoted where there is special need and additional educational need, not simply on the basis of a subsidy because a school happens to be small. Taking all of that into account, we are working towards providing that information in a way that is meaningful and does not compromise individuals' privacy on additional resources that they might receive through our education system.

**MR SESELJA**: Minister, given that you have made this undertaking and given that the Education Act requires that you have regard to the educational, financial and social impact on students at schools, students' families and the general school community, when will you make these figures available?

**MR BARR**: Thank you, Mr Seselja, for the question. I am certainly aware of my responsibilities under the Education Act. It is something that I take very seriously. The information will be provided, as I indicated in my previous answer, when we are able to do so in a way that will not compromise an individual's privacy on additional support needs that they might receive.

## Multicultural affairs

**MS MacDONALD**: My question is to the Minister for Multicultural Affairs. Minister, there has been a great deal of public debate recently about what are Australian values and what our migrants should do to earn citizenship. Are you able to tell the Assembly what our multicultural community has contributed, regardless of whether they were citizens or not?

**MR HARGREAVES**: I thank Ms MacDonald for the question. Canberra owes a great deal to those in our multicultural community, both today and throughout this city's history. As we approach the centenary of Canberra's foundation, it is appropriate that we reflect on the immense contribution that the multicultural community has made to the look and feel of the city and to who we are as Canberrans.

From the coffee that we drink and the restaurants we dine at, to the homes that we live in and the retail stores that provide our supplies, Canberra—the nation's capital—was built on a foundation of cultural diversity. We need to recognise that we are all migrants to this country and, from the start, lived in a multicultural setting. It is a little known fact that the first Governor of New South Wales, Captain Arthur Phillip, had a Chinese cook. Phillip presided over a settlement of English, Welsh, Scots and Irish, who all had their own language, which was visited by the French, American and Spanish and Pacific Islanders.

Jumping forward to 1949 and what happened in this region, construction commenced on the Snowy Mountains hydro-electric scheme. Then, as is the case today, Australia did not have enough skilled individuals to complete the task. We needed help. More than 100,000 Europeans, most of them refugees from war-torn Europe, came to the region to work on the project. None of them were asked to complete an English test before they arrived, but as they arrived they immediately spent enormous effort to learn enough English to obtain employment and build a new life.

The Snowy project holds an important place in the hearts and minds of all Australians. It is a symbol of the contribution that migrants have made in this country. But that contribution is not only reflected in symbols. It is around us every day. It is part of who we are. This is particularly apparent in the ACT, where many of the Snowy hydro workers settled.

They opened retail stores and restaurants, offering food and items the people of this city had never been exposed to. They used the good economic rationalist principles of giving the consumer what they wanted, providing products that were excellent value for money and produced at least cost. They built houses using modern and innovative techniques and worked hard to educate their children. Through their blood, sweat and tears they put in the hard yards and helped craft the cosmopolitan way of life that we all revel in today. One of them, Gus Petersilka, fought the commonwealth bureaucracy to introduce the sidewalk cafes that we all enjoy today.

They brought with them the values of hard work and strong family ties. Many of them remitted money to the families they left behind and saved to bring those families to this land. When they had reunited their families or commenced a new one with children born here, they worked to provide educational opportunities for the kids so that the next generation could take advantage of the opportunities on offer in our great city. That next generation, regardless of their country of origin, religion or colour, became entrepreneurs, lawyers, doctors, architects, brickies, teachers, public servants, retailers, mechanics, builders, artists and photographers and, yes, even politicians.

In other words, they became part of our community, our neighbours and our friends. They became us, and together we built one of the most socially cohesive nations on the planet. Most of them even chose to become Australian citizens without having to prove their Aussieness. By the way, I do not think that enough recognition is given to how difficult that decision to become an Australian citizen is to make, not even for the pommies among us. Those pioneering first generation families from Greece, Italy, Croatia and other countries were a vital part of the development of our city's physical and retail infrastructure.

Underneath the slick veneer of a modern, planned and professional city accommodating and sustaining a public service work force, these first-generation families were building the foundations of a strong, vibrant and culturally rich diverse community. Many without English language skills made enormous contributions to numerous aspects of life in our community, from seeing their children go to Vietnam and to other conflicts around the world to contributing to local charities and sacrificing their own social life to ensure they were able to resource their children's education and acquisition of skills.

The other day the Prime Minister pointed to the Greek community as the best example of a community that has integrated into the Australian way of life. Many Greeks who came to Australia in the 1950s, 1960s and 1970s did not speak the English language. Many of those who arrived back then still do not speak English today. But they made a hell of a contribution to our community through their hard work.

Today, Canberra is home to thousands of individuals from dozens of diverse ethnic backgrounds. Their various cultures and religions are celebrated every day, every weekend, with festivals, family gatherings, worship time at churches and club outings. The national capital is a place in which multiculturalism is not only present; it thrives. The ACT government is keen to ensure that it plays a strong role in ensuring that multiculturalism continues to be an important part in the way we manage our culturally diverse community.

In moving forward, the ACT government issued a draft multicultural strategy last week for community comment. The purpose of the strategy—

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

**MS MacDONALD**: I ask a supplementary question. Minister, will you continue to encourage our multicultural community and bring further migrants to Canberra?

**MR HARGREAVES**: The Stanhope government will continue to encourage new settlers to choose Canberra as their home and to advocate an approach in which diversity can flourish in a tolerant setting. Last night I attended a function, organised by Mr Pratt, where members of the Canberra Muslim community and representatives from the Christian and Jewish faiths were present. I have to say that I was heartened by what was said at that function, but I am not sure what Mr Pratt thought recently when he wanted to tar and feather members of the Muslim community.

The function was held in time for Ramadan. Many of the diplomats and representatives of the various faiths spoke and it was clear that we are all seeking the same goal—peace on earth and love for one and other. That may not have suited Mr Pratt either, as he and the Prime Minister would rather have a more divisive community in which fear can be manipulated for their own purposes.

This function was all about brotherhood and goodwill. It was about the time to reflect and to consider ourselves and how we behave towards others. We talked about global issues and the way in which Islam is perceived around the world. We talked about the strengths of the major religions and the strength they give to their practitioners.

*Opposition members interjecting—*

**MR SPEAKER**: Order! Mr Hargreaves, come to the question.

**MR HARGREAVES**: These sentiments are in stark contrast with the statements made by Mr Pratt, as reported in the *Canberra Times* recently, in which he criticised in strong language the views of the multicultural community, particularly the Muslim community. Perhaps Mr Pratt is merely spouting publicly the views of John Howard and perhaps he

has a private compassion for the tribulations of the Muslim people. I would like to see him have the courage, as the opposition spokesperson on multicultural affairs, to stand up for our non-English-speaking brothers and sisters who have made Australia their home. The value of these people is their contribution to our land, not their ability to speak English. But I am not sure if the opposition learned anything from its own event.

The multicultural strategy to which Mr Pratt was referring focused on a wide range of issues affecting all members of the community, not just terrorism, and sought a contribution from all to solving the problems, not just the government imposing a solution. There are many issues currently facing our multicultural sector. Terrorism is just one of them. Is it not vital, in the era after 9/11, to address terrorism at a grassroots level, as suggested in the strategy?

I wholeheartedly agree with community leaders that, in order to get to the heart of terrorism and to understand its genesis and its projected outcomes, you need to understand where it begins. That can only be found in the underlying causes, such as homelessness, social isolation, unemployment and lack of education. As a government and as a community, addressing those issues is not stupid, as Mr Pratt suggests. In fact, the Australian government also agrees with this approach and is spending millions of dollars in researching these very issues. The approach in developing the strategy all along has been to ask for input from communities to ensure that they are part of the solution to any existing or anticipated challenges.

The Stanhope government is committed to the multicultural community. In December last year the Chief Minister opened the Theo Notaras Multicultural Centre. We have the multicultural festival and 160,000 people came to it. Sixty thousand people came to the Fyshwick fruit market food and dance spectacular.

The multicultural strategy that was put out for discussion was in fact a product of the community itself. The multicultural community wrote those words, and Mr Pratt has described them as stupid. He would like to see those people who are weak on terrorism tarred and feathered and run out of town. He said that the thinking that they had articulated in that strategy was, to quote Mr Pratt, "crap". That contrasts very heavily with the Mr Pratt that I saw last night.

**MR SPEAKER**: Mr Hargreaves, direct your comments through the chair.

**MR HARGREAVES**: I am, Mr Speaker. The comments that were made are in stark contrast to the Mr Pratt I saw last night. I would like to see the Mr Pratt of last night say to the community that he is sorry for what he said, as reported in the *Canberra Times*, or at least write to the *Canberra Times* and support the Muslim community and refute what the *Canberra Times* said that he said.

## Aged care—Ainslie Village

**MS PORTER**: My question is to the Minister for Disability and Community Services. There has been significant community interest in the government's proposed reforms of the dining room at Ainslie Village. Minister, could you update the Assembly on how that reform is progressing?

**MS GALLAGHER**: I thank Ms Porter for her question and for her interest in the services and residents at Ainslie Village. As part of the budget, the government announced that it would continue the work of transitioning Ainslie Village to a community housing style of accommodation. Some of the impetus for this work originated with the residents, who wish Ainslie Village to be viewed as the type of place people want to live rather than the place that people are forced to live.

In line with that, the government sought to modify the provision of food services at Ainslie Village. To date, the dining room has provided a hot-plate meal to about one-third to one-half of the residents of Ainslie Village. That service has been provided out of SAAP funding. The government recognises that the intention of SAAP money is to transition people from homelessness to independent living and that an important part of this process is to ensure that those who are able to cook for themselves are encouraged to do so. As such, we have been talking with a number of community sector providers about the future of food provision at Ainslie Village.

From the numbers I have just mentioned, 60 to 80 of the 170 residents eat at the dining room each night. It is clear that the majority of residents, or a considerable number of them, are already making their own provision for meals. Centacare is currently funded to provide dining room services until 30 September this year. The government sought to extend this arrangement until February 2007 so that the independence of the residents at Ainslie Village could be assessed through a transitional period. Unfortunately, Centacare was not in a position to continue this service.

However, we have just reached agreement with the Red Cross for them to provide alternative meal arrangements on site from 1 September until 30 June next year. That will ensure that there will be a significant amount of time, nine months, when a safety net for meals will be available for residents as they are being encouraged to cook for themselves. We will look at how the residents cope with this change and determine how many will remain dependent on meals after June 2007.

The Red Cross will provide regular reports to the government and other stakeholders on the residents identified as most vulnerable and appropriate referral to on-site support providers. In addition, the Red Cross will provide life skills training throughout the transition period to help people learn to shop and cook and to create a more home-like environment in their shared living spaces.

A number of constituents have raised with me how important the dining room is to communal and social interaction at Ainslie Village. With that in mind, the Red Cross will canvass and encourage resident involvement in volunteering to assist in the serving of meals and other activities associated with the new food arrangements, such as setting up the dining room and cleaning up afterwards.

The government is also anxious to ensure that the residents, as much as possible, are provided with facilities to encourage further independent living. On this basis, we are upgrading communal kitchens at Ainslie Village to ensure that there is one stove or cook top provided for every four residents, that there is one lockable cupboard per resident and that there is additional bench space provided in all kitchens to assist with

food preparation. I understand that we are consulting with residents at the moment on how these changes can be implemented.

The department and Havelock Housing Association will jointly hold two barbecues after the resident consultation to discuss the changes to the dining room and the site. Already, residents have indicated a desire for volunteer activities to be provided on site, which may be counted towards Centrelink obligations. The Red Cross will work towards obtaining this accreditation, if possible.

We will continue to consult with residents on all the issues presented by the changes from supported accommodation to community accommodation. That consultation will be ongoing. We will now have the Red Cross providing the dining room service for the next nine months while we continue to work with residents individually through the transition period.

**MS PORTER**: Minister, is the government planning any other changes at Ainslie Village? Will any other service at Ainslie Village be affected?

**MS GALLAGHER**: Thank you, Ms Porter, for the supplementary question. The government funds a number of excellent services at Ainslie Village already. Those support services on site will continue unaffected by these changes—services such as those at Minosa House, run by Centacare, which provides 28 SAAP places, or the Lodge, which is also run by Centacare, which provides 20 places for people with a mental illness. SAAP funds are also provided for specialist drug and alcohol and mental health clinic support, which currently assists approximately 40 residents. The Canberra Men's Centre currently offers management services for around 20 clients at Ainslie Village.

Directions ACT also provide one weekly cooking class on site as part of their outreach programs, to engage and support people with drug and alcohol issues. This service will be increased through the transitional changes at Ainslie Village. Havelock Housing Association have negotiated with Directions ACT to increase the number of these cooking classes to provide additional options for residents to enhance their living skills. The excellent Blue Door Cafe, which many members of the Assembly are familiar with, will also continue unaffected by any changes.

These support services are additional to the contract we have with Havelock Housing Association to provide tenancy management. In addition, residents of the Lodge and Minosa House who are currently receiving meals will continue to receive free prepared meals. Those on site who currently receive Meals on Wheels will also continue to receive these meals.

There are approximately 80 other residents receiving case management support from Centacare and the Canberra Men's Centre on site. We will pay particular attention to these people, to ensure they are not placed at risk by any of the changes. As a further safety net, a community development worker for Ainslie Village and the Ainslie Avenue precinct will be appointed later this year. This person, along with services and other residents, will be vigilant to ensure residents are not put at any risk.

The changes at Ainslie Village represent an important phase in the transition of residents from supported accommodation to community housing. We are very keen to support

residents to live independently. However, we acknowledge that during this transition extra support is required and extra planning is required. Some safety net arrangements will need to remain in place post June 2007.

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

## Personal explanation

**MR PRATT** (Brindabella): Could I please take a standing order 46 clarification, claiming to have been misled by Mr Hargreaves.

**MR SPEAKER**: Do you claim to have been—

**MR PRATT**: Misled or misrepresented.

**Mr Corbell**: Make him take an English test!

**MR PRATT**: Be quiet, Mr Corbell. You might learn something. A few minutes ago Mr Hargreaves said that I had made comments in recent times that alleged hypocrisy against matters I raised last night at a Ramadan function which I and the opposition organised to celebrate the coming of Ramadan. The minister was invited to that and asked by me to speak.

At that function last night they talked about harmony, and I talked about welcoming in the Ramadan festival. Might I add that what I said last night is consistent with what I have been saying and practising as an MLA for five years, and certainly since becoming the shadow minister for multiculturalism.

**MR SPEAKER**: Will you come to the point where you have been misrepresented, please.

**MR PRATT**: What the minister said just now is a totally untrue reflection of that position. What he is alleging I said in terms of hypocrisy is simply untrue. Indeed, the reporting of my comments by the *Canberra Times* did not reflect the truth of what I discussed with the *Canberra Times* about that particular subject.

## Paper

**Mr Speaker** presented the following paper:

> ACT Legislative Assembly Secretariat—Annual Report 2005-2006, dated September 2006.

## Murray-Mackie study—government response
### Paper and statement by minister

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women): For the information of members, I present a revised copy of the paper entitled "Recommendations of the Murray-Mackie study" and the government response that I presented earlier today.

> Murray-Mackie Study—Recommendations—Revised Government response, dated September 2006.

I seek leave to make a short statement in relation to that.

Leave granted.

**MS GALLAGHER**: After we tabled these recommendations this morning, it was brought to my attention that, under recommendation 6.1, the government's response had been deleted due to a formatting error. This revised list of recommendations just has "agreed in principle" next to recommendation 6.1. The way to tell the difference between the pages is that this one has "revised" at the top of the document.

## Cross border water agreements
### Papers and statement by minister

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (3.39): For the information of members, I present the following papers:

> Cross border water supply—
>
> > ACT-NSW Regional Management Framework 2006—Agreement between the Australian Capital Territory Government and the New South Wales Government, dated 8 and 17 March 2006.
> >
> > Australian Capital Territory and New South Wales Cross Border Region Settlement 2006—Memorandum of Understanding between the Australian Capital Territory Government and the New South Wales Government, dated 8 and 17 March 2006.
> >
> > Australian Capital Territory and New South Wales Cross Border Water Resources 2006—Memorandum of Understanding between the Australian Capital Territory, the State of New South Wales and the Commonwealth of Australia.
> >
> > Cross Border Water Supply between the ACT and NSW 2006—Summary of Legislative Responsibilities, dated 8 and 17 March 2006.

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

Leave granted.

**MR STANHOPE**: I move:

> That the Assembly takes note of the papers.

Following direction by the Australian government in 2000 to develop an integrated water supply strategy, the ACT, New South Wales and Australian governments have prepared and signed a cross border water resources agreement, as well as an agreed position on the respective legislative responsibilities in relation to water. Further, the ACT and New

South Wales governments have developed and signed agreements addressing regional management and regional settlement.

The agreements for the ACT-New South Wales cross border region being tabled today include the Australian Capital Territory and New South Wales regional management framework agreement 2006, a memorandum of understanding between the Australian Capital Territory government and the New South Wales government on the Australian Capital Territory-New South Wales cross border region settlement 2006, and a memorandum of understanding between the Australian Capital Territory, the state of New South Wales and the commonwealth of Australia on the Australian Capital Territory-New South Wales cross border water resources 2006 and related summary of legislative responsibilities—cross border water supply—between the ACT and New South Wales.

The regional management framework is a government-to-government agreement between the ACT and New South Wales governments. It commits both governments to collaboration and provides a process for cross border issues resolution. It will encourage consistent policy development and service delivery by the ACT and New South Wales governments. It outlines a strategic approach for cross border interaction and represents a handshake, rather than a contract or action plan. To achieve these objectives, the regional management framework commits both governments to a series of regular ACT and New South Wales government interactions, either at first ministers, senior officials or agency-to-agency contact.

The regional management framework includes strategic themes to give priority to areas of cross border interaction that are to be reviewed from time to time. Current strategic themes are water and catchment management, settlement patterns, infrastructure, economic development, service delivery and emergency and consequence management.

Under the regional management framework interactions, New South Wales and the ACT negotiated the more detailed agreements under the first two of these strategic themes—water and settlement. The memorandum of understanding between New South Wales and the ACT on cross border region settlement has been in effect since 17 March 2006. The memorandum of understanding on cross border water resources, also signed by the commonwealth, took effect on 17 August 2006.

The MOU on cross border water resources, finalised through an exchange of letters amending the wording in the body of the text, provides that the ACT will provide water to developments in the cross border region, subject to agreement with New South Wales that such developments meet the principles within the memorandum of understanding on cross border settlement.

Under the terms of the memorandum of understanding on cross border water resources, the three governments will work together to develop an agreed catchment management plan for the Googong catchment, ensuring security of water quality and quantity in Googong dam for the benefit of the region.

The process by which the two jurisdictions are to reach agreement on whether developments meet the settlement principles is through the finalisation of a further

document—the cross border settlement strategy. The cross border settlement strategy will be finalised by March 2007.

The negotiations on the settlement strategy were suspended pending the conclusion of the New South Wales planning inquiry into the development of land in the Greater Queanbeyan Council area. Now that that inquiry is complete, New South Wales and the ACT will work to finalise the settlement strategy.

The preparation of these cross border agreements represents a significant collaborative effort on the part of the three governments to come to an agreed position about the conditions by which water under the control of the ACT will be supplied to New South Wales. The settlement agreement supports the water agreement with a set of agreed principles by which sustainable settlement within the region will occur.

The regional management framework encourages a cooperative approach to resolving regional issues affecting the ACT and New South Wales. The water and settlement agreements are excellent examples of the regional management framework in action. Electronic copies of the agreements will be available on the ACT government web site shortly. I understand the Australian government will be posting the documents on its Department of Transport and Regional Services web site.

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

## Committee reports—government responses
### Papers and statement by minister

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present government responses to the following committee reports:

> Education, Training and Young People—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*—Government response.
>
> Health and Disability—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*—Government response.
>
> Legal Affairs—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*—Government response.
>
> Planning and Environment—Standing Committee—Report 19—*Report on Annual and Financial Reports 2004-2005*—Government response.
>
> Public Accounts—Standing Committee—Report 5—*Report on Annual and Financial Reports 2004-2005*—Government response.

I ask leave to make a statement in relation to the government responses.

Leave granted.

**MR STANHOPE**: I am pleased to present the government's response to five standing committee reports on the annual and financial reports for 2004-05. As in previous years, I am tabling the responses to all of the standing committee reports, covering all

portfolios, together. This is because the standing committee reports generally cover more than one minister and more than one portfolio and, in certain cases, issues raised in the reports apply to all departments and agencies.

As members will be aware, annual and financial reports are prepared by agencies in accordance with the *Chief Minister's Annual Report Directions* and in accordance with the Annual Reports (Government Agencies) Act and the Financial Management Act. The government seeks to ensure that the directions and the acts are continually updated to reflect best practice and full accountability in accordance with government policy. In line with this approach, some of the issues raised in the reports have already been addressed in the 2006 annual report directions.

The standing committee made 29 recommendations. The government has agreed in full, in principle or in part to 15, and noted a further 12. Two recommendations are not agreed. I will touch briefly on the reasons for the government not agreeing to those two. The Standing Committee on Public Accounts recommended that quarterly actuarial assessments of superannuation liability be conducted and published for the Assembly.

The actuarial assessment of the ACT's unfunded superannuation liability is a process that typically requires weeks of intensive actuarial assessment after the scheme administrator has provided scheme membership data. This is a sophisticated and expensive process. Moreover, a quarterly update would capture little more than membership changes. These alone would have only a marginal impact on the assessment.

The Standing Committee on Health and Disability recommended that data to enable comparison between financial years be included in tables provided in annual and financial reports. It is the government's position that agencies report on a predetermined period. Annual report directions include reporting against budget outputs for only that year. I thank the standing committees for the efforts they have made in preparing their reports. I commend the government's responses to the Assembly.

## Paper

**Mr Stanhope** presented the following paper:

> Annual Reports (Government Agencies) Act, pursuant to subsection 14 (7)—Extension of time for presenting annual report 2005-2006—Statement of reasons—Rhodium Asset Solutions.

## Financial Management Act—instrument
### Paper and statement by minister

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present:

> Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Chief Minister's Department, including a statement of reasons, dated 15 September 2006.

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

Leave granted.

**MR STANHOPE**: As required by the Financial Management Act, I table an instrument issued under section 18A of the act. The direction and a statement of reasons for the above instrument must be tabled in the Assembly within three sitting days after it is given.

This instrument provides funding of $42,814 to the Chief Minister's Department to meet rental payments for Dytin Pty Ltd for the period 12 August to 30 September 2006. Provision of this funding is consistent with the Narrabundah Long Stay Caravan Park land swap agreement entered into by the government. I commend the instrument to the Assembly.

## Papers

**Mr Corbell** presented the following papers:

> Administration of Justice—ACT Criminal Justice—Statistical Profiles—2006—
> March quarter.
> June quarter.

## Education, Training and Young People—Standing Committee
### Report 3—government response

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations): For the information of members, I present the following paper:

> Education, Training and Young People—Standing Committee—Report 3—*Inquiry into Restorative Justice Principles in Youth Settings—Interim Report*—Government response.

The report was presented to the Assembly on 8 June 2006. I ask leave to make a brief statement in relation to the paper.

Leave granted.

**MR BARR**: In tabling the government's response to the Standing Committee on Education, Training and Young People inquiry into restorative justice principles and youth settings interim report 2006, I advise the Assembly that the committee has made nine recommendations in relation to the application of restorative justice and restorative practices in juvenile settings.

Implications for action around recommendations one through seven fall within the responsibilities of the Department of Education and Training, and recommendations eight and nine fall within the responsibilities of the Department of Justice and Community Safety. The government's response indicates agreement with

recommendations two, four, five, seven and 10; agreement in principle with recommendation eight; and notes recommendations one, three, six and nine.

It is important that a clear distinction is made between the terms "restorative justice" and "restorative practice" which are used interchangeably throughout the report. These terms apply to specific settings. Restorative justice is used in the criminal justice setting. Restorative practices are used in school settings to create a whole-school cultural change in student management and student wellbeing.

The use of restorative practices in ACT government schools is increasing. It is also important to note that restorative practices are only part of a range of strategies that schools use in creating and maintaining safe school environments. Schools will continue to use strategies and processes that prove to have the best outcomes in their individual communities. The government thanks members of the committee for their work on this important inquiry. I table the response.

## Papers

**Mr Barr** presented the following papers:

> Annual Reports (Government Agencies) Act, pursuant to subsection 14 (7)—Extension of time for presenting annual report 2005-2006—Statements of reasons—
>
> Cleaning Industry Long Service Leave Authority
> Construction Industry Long Service Leave Authority.

## Floriade 2006
### Discussion of matter of public importance

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

> The importance of Floriade 2006—"Carnivale—The World on Show" to the ACT.

**MS MacDONALD** (Brindabella) (3.51): Floriade is an integral part of the Canberra community, attracting hundreds of thousands of local, national and international visitors each year. Now in its 19th year, Floriade has grown bigger and better since its inception in 1988. The event has long been recognised as Australia's premier springtime event and is a major tourism drawcard for Canberra.

To ensure we continue to attract new visitors to Floriade and encourage past visitors to come again each year, the event is based on a different theme. This year's theme is "carnivale—the world on show". It celebrates the beauty and diversity of the world we live in. The flower beds have been inspired by 16 countries that also hold flower festivals, such as Turkey, Singapore, the USA, New Zealand and the Netherlands.

The displays contain more than one million blooming tulips, bulbs and annuals. The displays depict our worldwide neighbours in blooms and design elements never before seen at Floriade. I have heard rave reviews about some of the displays, particularly the Canadian flowerbed that features a giant Canadian maple leaf tree in blooms that spill across the vista, creating a giant tulip explosion. This was a major feature at the Canadian Tulip Festival, which began in 1945 when Princess Juliana of the Netherlands presented Ottawa with 100,000 tulip bulbs.

The French display, which is made up of thousands of blue, white and red blooms which create a giant French flag, signals a grand entry into Commonwealth Park. France has a spectacular annual flower parade called the Bataille de Fleurs, part of the famous Nice Carnival, where floats covered in fresh flowers form a stunning parade.

Traditional gardens are also represented. I recommend that visitors take a journey through the classically designed Chinese garden by entering through the mystical moon gates. Legend has it that people who walk through a moon gate, especially young lovers and honeymooners, are blessed with good luck. China is the home to the spectacular Hong Kong flower show.

The Japanese garden is also breathtaking as visitors enter through the bamboo surrounds and traditional Japanese arch to enjoy the serene and austere Zen garden. The traditional rock garden is surrounded by thousands of pure white blooms, representing the pebbles and sand traditionally used in this ancient gardening practice. In Japan each year the Tonami Tulip Fair is held. Of course Australia is also represented. The Floriade garden bed recognises the diversity of our land, complete with an awesome sculpture of a special native Australian animal—the frill-necked lizard.

This year Floriade was launched on 16 September and runs through to 15 October. It is sure to again attract thousands of people. In fact, during its first weekend, almost 39,000 visitors attended the event—an increase of more than 10,000 people from the first weekend of Floriade 2005. I am sure the beautiful weather we had on the weekend was a factor in this, but I also believe that Floriade's exceptional reputation was a major drawcard.

One of the best things about Floriade is that every day it changes. At the moment the hyacinths are out in full bloom, and their aroma has filled Commonwealth Park. In a few weeks, however, more of the tulips and irises will be in bloom. The entertainment also changes regularly. There is always something different to see and do. Over the course of the month there will be a wide variety of entertainment, including live concerts, buskers and roving performers. The entertainment provides something for everyone, from the very young to the young at heart. The changing program of activities includes workshops, floral competitions and exhibitions. These add further interest to Floriade's flower beds.

Floriade is not just about entertainment, however; there are many informative displays and workshops. The 2006 showcase gardens at Floriade are designed to inspire and educate people about plant varieties, garden design and landscaping. They must all contain some elements of waterwise gardening.

ACTEW's water conservation office offers visitors ideas on bright ways to design a water-conscious garden. In keeping with the carnivale theme, garden designer Cedric Bryant has created a colourful display showcasing exotic plants and design. The garden demonstrates ways to minimise water use and research on best practice lawn management. ActewAGL's look 'n' learn marquee has also been popular. It offers people the opportunity to learn more about gardening, flower arranging and more.

As I said previously, every day Floriade presents a fantastic calendar of workshops, presentations and displays on gardening, flora, fauna on a diverse range of interesting topics. Visitors can discover everything about environmentally friendly homes, witness the art of ikebana, learn the skill of bonsai, learn about flower festivals around the world, find out how to grow and maintain beautiful orchids, be taught how to build a functional herb wheel, meet snakes, lizards and frogs from the National Zoo and Aquarium, learn how to deal with pesky garden pests, and much more.

As in 2005, Australian Capital Tourism is working in partnership with the local tourism industry to take the Floriade theme outside Commonwealth Park via a tourist trail. The trail is designed to broaden the appeal of Floriade and to encourage visitors to stay longer in the Canberra. This year's trail includes 18 industry partners—two more than last year's 16. The "world carnivale trail" around Canberra involves 18 tourist attractions, presenting world themed exhibitions and activities, including the National Museum of Australia, the Australian War Memorial, Cockington Green Gardens, old parliament House, the national portrait gallery and the national library.

This year, visitors to Floriade will also have the rare opportunity to attend the world tulip summit. This will be the first time the summit has been held in the southern hemisphere and the second time the event has been held since 1897. The summit will host guests from some of the world's major tulip festivals and flower shows, including representatives from Canada, Japan, the Netherlands, the UK, the USA, Colombia and Australia.

Presentations about some of these great world flower and garden festivals will be held for visitors on site at Floriade during the world flower festivals weekend on 7 and 8 October in the ActewAGL look 'n' learn marquee. The year, Australian Capital Tourism has worked towards building on the success of Floriade 2005, which was hailed as the most successful event since Floriade began in 1988 and records commenced in 1999.

The 2005 theme, "rock 'n' roll in bloom", a celebration of 50 years of rock 'n' roll in Australia, was reflected in last year's garden designs and continued the tradition of joining the thematic display of flowers around a month-long calendar of entertainment and activities. The success of the 2005 Floriade was attributed to a significant promotional and marketing activity both locally and nationally, a stronger focus on entertainment on site, the popular theme and the assisted rock 'n' roll trail around Canberra.

An important feature in the success of Floriade was Australian Capital Tourism's collaboration with 16 industry partners to present the rock 'n' roll theme to create the trail. With more than 356,000 visitors attending in 2005, the event provided a significant contribution to the local tourism industry and generated over $20.5 million for the local

economy. Industry partners included both national attractions, as well as local attractions from all over Canberra. The national archives, the national library, Questacon, Cockington Green Gardens, the National Zoo and Aquarium and King O'Malley's Pub were some of the attractions that participated in Floriade 2005.

In 2005, Floriade achieved $20.5 million direct expenditure in the ACT, an increase of 51 per cent from 2004. The total attendance figure for Floriade was 356,676 people, representing a five per cent increase from 2004. Fifty-three per cent of visitors came from interstate and overseas specifically for Floriade. This represents an increase of 27 per cent from 2005 and equates to a total of 96,000 interstate and international visitors, compared to 75,000 in 2004.

The interstate market represents high value to the local economy, with 62 per cent staying overnight and 38 per cent visiting Floriade on a day trip. Overall, attendees to Floriade were generally satisfied with the event, with 96.5 per cent being very satisfied or somewhat satisfied.

The success of Floriade relies not only on government and industry support, but also on the community volunteers who give their time so generously during the event. Last year, more than 220 community volunteers collectively gave 5,400 hours during the month-long event. Their assistance to visitors was invaluable.

We know that Floriade has become one of Canberra's flagship events. It is an event that is accessible to all in our community and offers something for everyone. I urge everyone in this place to visit Floriade throughout the month. Of course I urge them to take all their family and friends—and interstate relatives and friends, please. We are in the lucky position of being so close to Commonwealth Park here in the Assembly that we can just walk over during the day. I am looking forward to having the opportunity to do in the upcoming weeks.

**MR SMYTH** (Brindabella) (4.01): Floriade is important to Canberra and I thank Ms MacDonald for putting it up for discussion as a matter of public importance. It is interesting that much of what Ms MacDonald just read out was simply a cut and paste job from the quarterly report for October to December 2005, almost with direct quotes. Normally it is the practice when you just read something verbatim in this place to attribute it to where you got it from, lest you should be accused of plagiarism.

The interesting thing about Floriade is the conflict in some of the government's numbers. Indeed, with respect to the report from which Ms MacDonald just read, the numbers that she actually quoted on page 9 of the quarterly report for October to December 2005 say that the total attendance figure for Floriade was 356,676, representing a five per cent increase on 2004. According to the budget papers, the visitation to Floriade for 2005-06 was only 132,000. I refer to budget paper 4 at page 312. That was the target. Indeed, the attendance was actually by 158,984 individuals. So there is some conflict there in the data before us.

Maybe the minister will jump up and tell us which of these figures is actually correct, because the target he has set himself for this year is, in fact, for only 132,000 visitors to Floriade, which was the target for last year and which is significantly less than what was achieved. We discussed some of that in the estimates process. I am just curious as to why

the government, having achieved 158,000 visitors last year, was happy to set itself a target of only 132,000 this year. If Floriade truly is as important as Ms MacDonald states, and it is, why aren't we seeking to get more and more from it? It is unfortunate that a low bar is being set—sorry about the pun—as we really should be doing more to push it.

It is interesting that at an industry luncheon last week a former department of tourism secretary, Mr Geoff Kelly, actually noted that when governments invested in tourism Treasury staff always advised against it. Perhaps that is part of the reason that this year we have seen a decline in tourism funding over the next two years of some $4.5 million and perhaps that is why the 2006-07 target is set at the same target for last year, which we well and truly overachieved but which, obviously, we are not confident that we can repeat this year.

If we are actually serious about the importance of Floriade, perhaps we should set ourselves serious targets. Perhaps we should be saying, "Let's improve and let's keep building," because what we have to do in the tourism market, given the perilous state of the market around the country and around the world due to factors of which we are all well aware, is to make sure that we are getting our fair share. I notice that for the last quarter, the quarterly report for April to June 2006, the domestic figures are not available. I am sure the minister will tell us why.

**Mr Barr**: A change of data company, data collection.

**MR SMYTH**: A change of data company; there we go, a very valid reason. It is important that we have these figures and I look forward to receiving them. It is interesting to do some comparisons of visitor numbers in documents taken from the government's web site. The problem is that the figures for Floriade will be in two quarters, the September and December quarters, but let us do a comparison for December to December of the two quarters. In 2004-05, the number of international visitors in the December quarter was 461,000. In 2005-06, according to the government's web site, the number of international visitors in the December quarter was 349,000.

That is a significant drop, an enormous drop. You have lopped off 120,000 international visitors, and that is the quarter in which the bulk of Floriade occurs. It will be interesting, again, to have the minister tell us why this significant drop occurred and what he is going to do to repair that drop so that we do not see it again in this quarter. The minister's answer so far has been to cut the tourism budget by almost a quarter, to take $4.5 million out of it over two years, and hope that it will get better.

At the launch the other Friday, the head of Australian Capital Tourism made the point that they had spent more on marketing this year, that they had gone out of their way to find money and sponsorship to spend more on marketing. Why? It is because it works. There is a lesson in that for the minister. Ross MacDiarmid is making that point and Mr Kelly, the former secretary, is making the point that there is a direct link between the expenditure and the visitors. If we want to achieve the $20.5 million of direct expenditure in the ACT, an increase of 51 per cent on the previous year, that Ms MacDonald pointed out from page 9 of the tourism report for the October to December 2005 quarter, then really we have to keep the expenditure going.

The comment has been made that sometimes the momentum will keep going and you might not notice the effect in the first year, but you certainly will notice the effect in the outyears. Given the already dramatic decline year on year in the international figures, that is something that we really do need to keep an eye on, something that we need to monitor very closely.

That being said, the work that has been done to develop Floriade in the last couple of years certainly has been very effective. All power to the former minister, Ted Quinlan, who not only encouraged Australian Capital Tourism but also got into the swing of things and dressed up. Last year he came as an ageing rock star, as many of us will remember, complete with a wig, a waistcoat and love beads. I thought the minister might get into the carnivale theme this year and take up the cudgels that Mr Quinlan had transferred to him. The opportunities there were enormous and we were all very hopeful, but no, he wore a very conservative suit and the staff were dressed in red T-shirts. The award on the day would actually go to two ladies from the CSIRO who got into the theme of things and dressed up as bumblebees, including black strainers that had been converted to bee eyes. They got points for initiative on that score.

In terms of marketing, I think the flags down Commonwealth Avenue are very good. Whether you like the colour scheme or not, you certainly notice the pink and it really does stand out. The displays, as have been talked about, have been absolutely fantastic. The weather has been gorgeous. I am sure the early heat is helping. I hope it will not hinder the second half of Floriade. If it gets too hot, the blooms will start to wilt. Whoever came up with the concept of having Tara Moss launch it in a dress of roses with 3,000 petals was absolutely inspired. The day was quite interesting, Mr Temporary Deputy Speaker. I do not know whether you were there, but most of the men were certainly interested in the guest speaker, as were most of the women.

The comment from a lot of the blokes was, "Yes, she is stunning." The comment from some of the women as they looked at the gorgeous Tara Moss in her dress of roses is absolutely unrepeatable in this place. But she certainly did what had to be done; that is, capture the attention not only of the ACT press, because we all know Floriade is on, but also of the national press and, I assume, the international press. Perhaps the minister can tell us how far the coverage went, but it certainly put Floriade on the map. So, in that regard, it was absolutely well done.

The point though, and I will come back to it for a final time and then sit down, is that there is a clear link between the amount you spend on marketing and the results that you get in tourism. The experts say it, the industry says it and retired departmental secretaries say it, and I hope the minister has heard that message. The $4.5 million cut probably will not be felt too much this year, but it certainly will be felt in the outyears. If you want the continuing return of the $20 million of direct spending and what comes from that, which is the indirect taxation that goes directly to the ACT government, if you want to balance your budget, if you want to keep schools open, if you want to employ more nurses, if you want more police officers on the streets and if you want to find some money to repair some of the potholes that are emerging around the place, tourism is actually one of those industries that do give you a return.

In the main, you can measure it. The degree varies, depending on which report you want to go to, but there is a return. We need to know how the changes to ACTC will affect tourism in the ACT and what we need to do very quickly is to monitor what the impact of the cuts will do to the ACT. It will be interesting to see what the domestic figures for the March quarter say when they are available.

That being said, we all know Floriade is a great thing. It is a wonderful thing. It must continue. But it has got to be worked out. Minister, in that regard, well done. I will have friends coming here and staying throughout most of the school holidays, so we are going to take some of their Queensland dollars and invest them in the ACT. One of the reasons they are coming is to bring their kids to see Floriade. I think that that says that we have got something that we can sell right around the country. Let's just make sure that we have got the dollars behind it to make it as effective as we can.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (4.11): I begin by thanking Ms MacDonald for raising this matter of public importance and acknowledging her ongoing interest in Floriade and in the tourism industry. I note that Mr Smyth did fire somewhat of a cheap shot at Ms MacDonald. It was, I think, a little unfair. In seeking to go to an authoritative source to present information, I think Ms MacDonald did the right thing. You would perhaps accuse her if she had not sought to research an appropriate document.

Nonetheless, I think it is important that we focus on the positives here in relation to what Floriade does bring to our city and how it is such an important event in our tourism calendar. In fact, I think it is our most successful event. It is now truly a national and international drawcard. As Ms MacDonald said, it is Australia's premier spring festival. It did attract over 356,000 visitors last year.

To address Mr Smyth's comment about the disparity between the figures that are available in terms of the total number of visitors to Floriade vis-a-vis the targets in the budget papers, it reflects the difference between the local visitation and the international and interstate visitors, who would be the tourists. So, when you combine the two figures of local visitation plus tourists, you get the total figure of 356,000, and the figure that is reported in the budget papers in relation to our tourism activity reflects the number of tourists, people not from the ACT, who visited the event. That is the difference between the two figures, Mr Smyth. That is something I would have thought would have been reasonably obvious. Nonetheless, thank you for raising the issue and seeking clarification.

**Mr Smyth**: It just says "visitors" in your document.

**MR BARR**: Indeed. Of course the government is seeking to build on the success of last year's event and to attract even more people through this year's. However, we do acknowledge that petrol prices, such as they are, may play a role in reducing the number of visitors that we get from the surrounding region this year. So far, the indications have been positive and the first weekend has seen some outstanding results. We can be very thankful for the good weather, and may it continue for the duration of the month.

In terms of promoting the event, Australian Capital Tourism has produced a 16-page full colour newspaper insert and 150,000 copies have been or are in the process of being distributed through rural press publications throughout regional New South Wales. The publication highlights all of the activities in Canberra over the September to December period. The insert includes information on Floriade, retail shopping, food and wine activities and events that will be held at national attractions.

In addition, obviously, to ensuring that the quality event that is Floriade is delivered this year, we have already begun working on plans for the 2007 event, to ensure that Floriade continues to be renewed and revitalised and provides a compelling reason to continue to visit Canberra. Australian Capital Tourism is working with the industry to ensure that there is maximum benefit to the ACT from Floriade visitors.

Whilst Floriade is our premier event, it is just one of the wonderful events in our tourism calendar. This year, through the ACT government's event assistance program, we will be supporting 16 events, with funding going towards promotion, research and business development activities that will increase visitor numbers. In addition, an extra $234,000 will go this year towards six events that receive multiyear funding, including the National Folk Festival, the Canberra Balloon Fiesta and the Kanga Cup.

Funding is provided in three categories: flagship events, which are events that already have a significant impact on visitation; core events, those which are already established on the events calendar but which could increase visitation; and developing events which are in the concept or developmental phase. Events that we will be supporting include the Canberra marathon, the Canberra international chamber music festival, the national futsal championships, the triathlon festival, the junior chess festival, the Australian mountain bike championships, the long weekend regional girls carnival, the 2007 Australia Day softball carnival, the Australian showjumping championships, the Kookaburra Cup, the national oztag championships and the capital youth games.

These combine to contribute to a well-rounded tourism events calendar throughout the whole year and they are events that keep people coming to the ACT. Of course, these are not the only events that the government supports on our tourism calendar. We have a range of other fantastic events, such as the National Multicultural Festival which is held each year and attracts many people from interstate and overseas to the territory.

As previous speakers have alluded to, tourism is very important to the ACT. There is no doubt that it brings new money to the territory. The estimates are that in the order of $757 million is annually injected directly and indirectly into the economy. By stimulating demand, tourism provides employment for around 6.5 per cent of our work force, with about 11,500 Canberrans being employed directly or indirectly as a result of tourism. However, it is important to note that at this time the domestic tourism outlook across Australia is relatively flat.

There are a number of reasons for that, some of which the government is able to influence and some of which it is not. Petrol prices, as I have mentioned, rising interest rates and the increase in spending on home-based products instead of tourism have had an impact on the domestic tourism market. But it is my pleasure to inform the Assembly that the ACT has been the only jurisdiction to be able to buck this national trend of

declining domestic tourism. In the domestic market, the ACT was the only state or territory to record an increase in overnight visitors for the year ending December 2005 compared to December 2004. The six per cent growth that we achieved was particularly impressive in the context of a national decline of six per cent for the same period.

The latest national visitors survey results from Tourism Research Australia show that for the year ending March 2006 domestic overnight visitation to the ACT increased by 0.7 per cent, whereas visitation across Australia declined by about 6.5 per cent. Whilst the ACT only recorded a slight increase in domestic overnight visitation, it was a solid achievement when you consider that visitation declined nationally by nearly seven per cent in the year to March 2006. It is worth noting that our overall market share of the domestic overnight visitors market has increased from 2.6 to 2.8 per cent.

The latest international visitation figures of Tourism Research Australia show that the ACT's market share of international visitors was 3.1 per cent in the year ended June 2006, similar to that of 2005 but, importantly, the average length of stay by international visitors had increased to 3.8 days in the year ended June 2006, compared with 2.5 days in the year ended June 2005. Obviously, this increase in yield provides our economy with a greater dividend.

Perhaps the most pleasing part of the results was the 84 per cent increase in visitors to the ACT from Singapore, Malaysia, Hong Kong and Thailand, markets that we have been specifically targeting. Mr Smyth made some comments in relation to the ACT's total tourism spend. It is to be $16.1 million this year. We acknowledge that it is an investment worth making, but we do need to ensure that the money is being spent in the right areas.

Whilst government funding for tourism has been reduced in line with overall ACT budget changes, many of the programs initiated or supported by the government directly through Australian Capital Tourism over the last two or three years will continue. Particularly on the marketing point, the ACT government will be investing $3.1 million this year in marketing the national capital. That is equal to the amount spent at the heights of marketing the city during the 2000 Sydney Olympics.

Research reminds us that visitors are looking for new experiences when they consider holiday or short-break choices. The government is investing substantial amounts in a number of projects that have direct relationships with tourism, such as the Tidbinbilla nature discovery centre which will be opening in early 2008 and the Stromlo forest park, which includes things such as a grass running track designed by Rob de Castella and a cycling criterium circuit designed by Stephen Hodge.

Stromlo park will officially open in December this year with the Brindabella Challenge. I look forward to launching the Canberra tracks project at the end of October, which will deliver three self-drive itineraries within the ACT focusing on our heritage. There is also the $11 million towards creating a world class glassworks at the old powerhouse in Kingston, the $30 million upgrade to the convention centre and all of the work that is going on in upgrading our national tourism attractions, and I thank the commonwealth government for their contribution to that.

In closing, returning to the theme of Floriade, it is our premier tourist event and the flagship event for Canberra. It is extremely successful in attracting visitors to the ACT and has got off to a flying start this year, but it is just one of the wonderful events in our tourism calendar that are supported by the ACT government and I encourage all members to experience it.

**MR MULCAHY** (Molonglo) (4.21): In rising to speak on this matter of public importance, I would like to speak both on the importance of Floriade, which in itself is significant, and on the wider importance of tourism to the Australian Capital Territory. I attended the media launch of Floriade in July that Mr Smyth made mention of and the opening last Friday. I have certainly been looking forward to this event and enjoyed having a very brief opportunity to be at the opening by the minister. I hope to return with my family on another day.

One has only to look at the figures provided by the Australian Bureau of Statistics about last year's event to understand the material importance of Floriade in attracting visitors to the territory, notwithstanding the issue about those numbers which has been raised. Thousands of Canberra residents attend and enjoy Floriade every year, but ABS data indicates that 53 per cent of the people that visited Floriade last year were from interstate or overseas. It is estimated that these visitors spent $20.6 million in the ACT and a significant proportion of that was spent on accommodation, about $9.66 million or 47 per cent, and meals and drinks, at $4.235 million or 21 per cent.

I might say that in this area of tourism there are always the obvious beneficiaries, such as in accommodation and direct hospitality, but I find that often in the debate about the impact of tourism the amount that is spent in retail stores is overlooked. It is interesting that the former managing director of the *Canberra Times*, Tom O'Meara, said, "We take an acute interest in tourism because it impacts on our circulation. If the hotels are full, we sell more papers." That is just one segment of expenditure by visitors. Certainly, the big retail outlets are beneficiaries, but are often not as visible in the tourism discussions.

In any event, this is a significant amount of money that directly benefits the people of Canberra. Money spent in Canberra businesses benefits not only the owners of those businesses but also the people employed in them, including a large number of young people and casual workers. This is true of the tourism industry in general and I feel that it is worth spelling out quite clearly that a thriving tourism industry benefits everyone in Canberra, including the government's bottom line.

I would like to raise and speak to a couple of points in relation to tourism generally. The first one I want to mention is something which I think would be of interest to an economic rationalist minister—even if he was not, I doubt there is a lot he could do about it; I suppose it is more of a lament than a call for action or a result—that is, the question of affordability of travel to Canberra. Anybody who has had cause to seek to fly anywhere from Canberra recently would know that airfares are becoming prohibitively expensive. It is clear that there is a lack of competition between airlines and, as a result, there are few, if any, cheap fares available.

If airfares do not come down, visitors from other parts of Australia or international visitors relying on flights for their travel will find it increasingly difficult to afford to

travel to Canberra. I am told that it has become a pattern, particularly with young people, to go onto web sites for airlines and simply flick down and find the cheapest place they can go to. The first consideration is the price and they decide they will go to the Gold Coast or somewhere else. Unfortunately, Canberra is rarely appearing on that. Mr Quinlan, the former minister, used to open up many speeches at tourism events that I attended by making a fairly derisive remark about Jetstar, an airline we do not have flying into Canberra, saying, "I understand it is a once in a lifetime experience."

I will not say that flying on Jetstar has been what I would rank as my most pleasurable travel experience—I do go back to see my mum in Hobart and that is about the best way to get there—but there is an economic impact from their absence in Canberra; that is, that Virgin Blue obviously do not have a discount carrier with which to go head to head. Qantas is doing very well out of the business market and the government market here and I wish them the best of luck. Alan Williams, who runs the airline here, is a very good manager and I am quite sure that he is happy with the level of competition that does or does not exist on the routes into and out of Canberra.

Unfortunately, the challenge for the minister and his team and for this Assembly if we want to see tourism grow is somehow to tackle that issue. I am not suggesting that the government step in and start subsidising airlines. The world has a long history of airlines going broke. I know it is a consequence of market forces but, whilst people from Sydney may be able to drive to and from here in three hours, it is a real problem for the ACT and I am not quite sure how we could overcome it. Tasmania ended up buying boats to get people down there and has now got a $126 million problem, I believe, thanks to the idea to rush into sea travel in a highly unionised environment. The Tasmanian government is saddled with a burden now that will be paid for by generation after generation.

In the time I have available, I would like to move to another area; that is, Canberra's share of the backpacker market.

**Mr Barr**: It went up by six per cent, Mr Mulcahy.

**MR MULCAHY**: Do not rush in too quickly, minister, because we need to look at the whole story. Australian Capital Tourism's Floriade and spring campaign actively highlights a shift in the focus on a target audience from the traditional focus on garden lovers and seniors to younger demographics. I believe that this is an important step in appreciating the importance of attracting young people, which includes backpackers, to the ACT. The minister recently announced, I acknowledge, at the state of tourism lunch that the number of backpackers visiting the ACT increased by 6.2 per cent in the year ended June 2006 from the previous year. Whilst I recognise this slight improvement, I believe that it is an area of the market in which Canberra can dramatically improve.

The importance of this section of the market is clear. In 2004, 482,000 international visitors and 439,000 domestic visitors spent at least one night in backpacker or hostel accommodation. All up, in 2004 close to 15 million nights were spent in backpacker accommodation. Forty-two per cent of the backpackers are aged between 20 and 24 and a further 25 per cent are aged between 25 and 29. The vast majority of these people are travelling for the purpose of holidaying. Research by Tourism Australia shows that these people spend more time engaging in activities such as shopping and going to restaurants, pubs and clubs than any other type of visitor. It is significant that backpackers tend to

spend a significant amount of money in their travels. There has been material published since the early 1990s that reinforces that.

My final point about the importance of the backpacker market is that they tend to visit an average of six tourism regions in their travels. Whilst the majority of the most popular destinations are traditional holiday spots in Queensland and Byron Bay, backpackers have a greater propensity for staying in regional and non-traditional holiday spots than any other types of travellers. This suggests they are willing to travel to places that they perceive to be interesting and fun. For the ACT to increase its share of this market, we must focus energy and resources on portraying this image.

Another point that I wish to make about tourism in the limited time I have available concerns the role of national institutions situated in Canberra. The National Capital Authority and others have said lately that national institutions are right in focusing on promoting and attracting visitors to themselves rather than Canberra. I believe that at present the top of the mind motivation for those that choose to visit Canberra is not necessarily to visit national institutions. This does, in fact, contrast dramatically with, for example, the United States.

I know that some people in the national institutions area have become sensitive to these comments. As I said the other day, although this part was not reported, the Australian War Memorial is a model of how I think you present yourself, and what they are doing with their $18 million expansion, with new technology, interactive galleries and the like, is fantastic. But I would like to see the collective effort being more focused. I would like people in other parts of Australia to do as is done in the United States, where people actually go to Washington to see the Smithsonian, to see the capital and to see all the other facilities. I know that Parliament House is one of the most popular destinations, although it has now become considerably more difficult to access the building, but I do believe that greater effort ought to be made to harness the national institutions, acknowledging that there are efforts being made in this regard.

In the final moments I have available I wish to point out that one of the best barometers for how the tourism industry is going is, in fact, hotel room rates. I am a major sceptic of the national visitation survey, based on a thorough and detailed knowledge of this area. I have conveyed that view informally to the federal minister, but people cling to this data. I do not think it is accurate. I think that the real key is hotel data and the average room takings have only gone up four per cent, still not representing a great return on investment in the ACT.

**MR DEPUTY SPEAKER**: The discussion is concluded.

## Adjournment

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

> That the Assembly do now adjourn.

## Rhodium Asset Solutions Ltd
## Ms Alexis McDonald

**MR SMYTH** (Brindabella) (4.31): Yesterday in the Assembly, when talking about Rhodium, the Chief Minister threw down a challenge. He said, "Take me through the report now. Find the recommendation. Cite the page numbers. Give me the paragraphs and the page on which the issue is discussed." In regard to our quoting from page 3 of the Auditor-General's report, he then went on to say, "I can only assume it is because it is not explained. It is one line. It relates to the decision that the shareholders advised the board of." Actually, page 3 does not relate to that. Page 3 of the report states:

> In Rhodium's case, it seems evident that the lack of clear, strategic direction from the Shareholders created uncertainty and made it difficult for Rhodium to provide and commit to appropriate long-term strategic planning to achieve its business objectives.

The Auditor-General clearly lays at the feet of the Chief Minister, as a shareholder, that it was his lack of strategic direction that made it uncertain and made it difficult for Rhodium. The Chief Minister goes on and says that there is no recommendation. More important than the recommendations, I think, are the findings. The recommendations tell you how to fix things, but the findings are the things that have to be fixed. That is quite clear under the governance and accountability framework, something that the Chief Minister shies away from continually. You can almost hear the theme music in the background: "not, not, not responsible". On page 25, under the heading Key Findings, the report states:

> Rhodium has been facing uncertainty since its establishment due to the lack of a clear strategic direction from the Shareholders.

Rhodium has been facing uncertainty as a consequence of Mr Stanhope's actions as a shareholder. The report continues:

> Consequently, it was difficult for Rhodium to provide and commit to appropriate long-term strategic planning to achieve its business objectives and maximise the returns to the Shareholders.

The Chief Minister asked where the recommendation was. There it is, Chief Minister. It is the third dot point on page 25. It is a matter of action and consequence. There was no action on the part of the Chief Minister; the consequence was that it was difficult for Rhodium to provide and commit to appropriate long-term strategic planning.

If you search the electronic report for the word "shareholder", it appears 48 times in the report. Quite clearly, the auditor places a great deal of importance on the role of the shareholders. The interesting thing is that 35 of the 48 recommendations are technical—for example, the shareholders get a report, the shareholders do this or the shareholders do that. But 13 of them adversely reflect on the lack of guidance from the number one shareholder, the Chief Minister.

Interestingly, the Chief Minister said yesterday that he does not interfere, does not play a day-to-day role, but that he does have functions that he must fulfil. One of them, of

course, is the approval of the draft business plan. In April 2005, the shareholder announced that the shareholders had not approved the draft business plan, as the government had not yet decided the future direction of Rhodium business operations. That was in April 2005, and we have had to wait until this year to find the scoping study for the sale of Rhodium. Rhodium languished for 12 to 14 months because the shareholder did not accept responsibility for the things that he had to do. Paragraph 3.20 of the report states:

> Audit considers that the uncertainty of Rhodium's future, and a lack of clear directions from the Shareholders, made it difficult for the Board to … commit …

That is a key finding. On page 32, paragraph 3.42 concludes:

> However, the effectiveness of the application of these governance principles was constrained by the absence of formalised policies and procedures, and deficiencies in financial reporting. Further, the absence of clear directions by the ACT Government as Shareholders has created uncertainty and made it difficult for the Board to develop and implement any long-term strategic directions to drive Rhodium in achieving its business objectives.

You wanted the arguments, Chief Minister. The arguments are there. They are outlined quite clearly. On page 3 the Auditor-General says that you failed to give strategic direction. On page 4 she refers to considerable uncertainty. On page 8 she says that Rhodium had been facing uncertainty since its establishment on 1 January 2005 by you, Chief Minister. Chief minister, this is your fault.

In closing, I would like to farewell a member of my staff, Ms Alexis McDonald, who will be finishing with the Assembly tomorrow. I would like to thank Alexis for the way that she has looked after me and organised my office over the last two years.

## Industrial relations

**MR GENTLEMAN** (Brindabella) (4.37): Last Wednesday I was fortunate enough to attend Greg Combet's address to the National Press Club. Greg focused on the inherent rights that workers should enjoy in a democratic society and his vision for the future.

The changes to the industrial relations laws are not reflective of a healthy democracy, as the WorkChoices legislation undermines basic democratic rights. Under the new IR laws, millions of Australian have no job security, are subject to lower rates of pay and the loss of overtime pay, penalty rates, annual leave loading and a number of other employment rights that should be enjoyed by workers in a healthy democracy.

Combet rightly pointed out that free and democratic societies "respect the right of working people to freely associate and organise in trade unions, and champion the right of workers to collectively bargain". Combet argued that the new IR laws place Australia behind world standards.

Australia's unemployment rate is much higher than in other countries with regulated IR systems. What Australia should be doing is spending more money on training the unemployed. Australia currently spends 0.04 per cent of its annual income to retrain the unemployed, compared with Denmark, which spends 0.54 per cent. In June this year, the

OECD reported that the Scandinavian model produced a more equal society with less of a gap between the rich and poor. Furthermore, Australia is the only country in the developed world where an employer is not obliged to negotiate with a representative union.

In October, the ACTU congress will consider the finding from its recent delegation to North America and Europe that argues in favour of a system where an employer or union or the employees themselves will have equal rights to initiate a collective bargaining progress. Combet pointed out the need to adhere to democratic rights and principles and internationally recognised labour rights. Article 1 of the Right to Organise and Collective Bargaining Convention states:

> Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

Clearly, the IR laws are in violation of international obligations. Under the new laws, union representatives can face fines of up to $33,000 if they make claims on behalf of workers for unfair dismissal protection, seek a role for the union in dispute settlement or ask for employees to attend a union training course. Furthermore, if the government wants to prosecute a union, individuals are not afforded the most basic legal rights. The federal government can secretly interrogate workers and imprison them for contempt if they fail to attend the interrogation, refuse to answer questions or provide documents and/or if they disclose the content of the interrogation to others.

Combet rightly pointed out that democratic societies do not hold a secret interrogation of ordinary workers who defend their union delegate or stop work for a meeting. We have already seen the effects of this decline of the power of unions. In Western Australia, 107 workers face fines of up to $28,000 for taking industrial action to defend a sacked union delegate.

Greg Combet not only outlined the iniquitous aspects of the WorkChoices legislation but also offered his own vision for a better way forward with positive changes to industrial relations. The ACTU is fighting for a fairer and more just society where economic disparity is more evenly distributed and enjoyed. The ACTU's positive alternative would ensure a decent safety net of pay and conditions in awards and/or legislation, a system of collective bargaining over and above the safety net in which all parties are encouraged to bargain in good faith and uphold democratic values, the protection of workers against individual contracts, the abolition of AWAs, and an independent tribunal to hear industrial disputes.

The government's rhetoric that an unregulated IR system will be more beneficial to the economy is simply false. Combet rejected the claim that economic competitiveness can be achieved only at the expense of people's rights at work. Combet's assertion is supported by a report by the OECD in June this year that found that the level of minimum wages had no significant impact on unemployment levels, that moderate employment protection policies such as unfair dismissal do not hurt an employer, and that countries with collective bargaining systems tend to have low unemployment. Combet is committed to improving the quality of our democracy and society. The ACTU supports a more egalitarian policy that laws like WorkChoices erode.

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

## International Day of Peace
## Solomon Islands project 2006
## Women During the War (1980-88) exhibition

**DR FOSKEY** (Molonglo) (4.42): Mr Speaker, today is 21 September, the International Day of Peace in the UN calendar. Hopefully, it is a day when people, communities and nations can share their vision of creating a better world. This year the United Nations has agreed that this day be observed as a global ceasefire day and a day of peace and non-violence. It is a good thing that the ABC is on strike today because there is no news of the kind that the media likes. There is no violence. It is a day of peace and global ceasefire.

There are a number of events scheduled in the ACT. One of them is a concert tonight at the Albert Hall. Members may have received invitations. It is called *Peace in Our Time?* There will be 85 singers from a number of choirs, and Canberra is a city of choirs. There are new works by Fiona Fraser, Judith Clingan and Glenda Cloughley. It is good to know that things are happening in Canberra, because people know that there is quite a strong community here committed to peace.

I also got an email from Bob Sobey, who would be known to everyone here, about the global scouting community's work to achieve peace. The ACT branch's gift for peace is the Solomon Islands project 2006. People may have heard Bob talk about this. He does get really excited about it, I think quite understandably. Forty-two people are to go to Honiara to work with the scouts to develop basic infrastructure on a property that will be used for community education, particularly in the area of peace. I think we all understand that that is work that is needed in the Solomon Islands, and Bob and others will be living and working with local scouts for two weeks, getting up at 4 am to go to the markets, camping and so on. All members have this email. They follow the progress of that group through the Internet.

Finally, my contribution to the International Day of Peace was to open, on Monday, an exhibition called *Women During the War (1980-88)* by Nasser Palangi. The exhibition, which I commend to everybody, deals with the war in Iran. People might remember that at that time Iraq and Iran were at war. At that time Saddam Hussein was the darling of the US and Iran was the enemy. Iran is still the enemy. That much has not changed. Saddam Hussein, of course, has had quite a demotion since those days.

At that time, Nasser was a young art student. Apparently he has about 5,000 line drawings and photos from that time. He has got together quite an incredible collection at the ANU School of Art foyer. Some of it reminds me of William Blake's work, others of Rembrandt. The prevailing image is the image of women in the complete chador, with women beside graves and waiting in queues showing various aspects of grief and mourning. It is a unique and very powerful exhibition.

The exhibition is primarily about peace and the fact that women are usually the main victims of war. I think we all know that civilians are the prime victims of most conflicts, and the exhibition is a powerful reminder that women and children make up the largest

share of civilians. The exhibition is on until 24 September. If you are passing that way, have a look. In the meantime it is worth remembering that today is the International Day of Peace. Those things still happen, aspirational though they are.

## Industrial relations
## CroFest

**MR SESELJA** (Molonglo) (4.45): Before I get to my main topic, have to respond to Mr Gentleman. He knew that I would have to respond to part of his speech. He was singing the praises of Greg Combet, the same Greg Combet who longs for the time when unions ran the country. He longs for a return to those days. Of course, if the federal Labor Party gets up in the next election, that is the way we will be headed. He also sang the praises of Scandinavia. I hope Mr Gentleman is not advocating that we adopt their taxation system, which sees people paying in the vicinity of 60 per cent as their top marginal rate.

Nonetheless, I want to say a few words tonight about CroFest, which I attended last Saturday night at the Canberra Deakin Sports and Social Club. It was a fantastic event and it was an honour to be invited. The event was staged by the Croatian Studies Foundation, supported by SBS Radio, and it showcased young singers. The event was filmed, and this will be the first ethnic community to have footage put on the web site of SBS Radio. People will be able to download some of the performances.

This was the second year of CroFest, which is driven by the Croatian Studies Foundation. It is the first time it has been held in Canberra. The festival has been held all around the country and the finals will be happening in Melbourne. I want to thank all the organisers. Emma Plascak, of the board of directors of the Croatian Studies Foundation, is a young Croatian Australian Canberran. She did a fantastic job of hosting the night and trying to keep all the rowdy Croatians in line when they were not listening to speeches. She did a fantastic job. Emma is a great example of some of the next generation of Croatian Australians who have inherited a love of their parents' homeland, as well as being very fiercely proud Australians. I believe she is just completing her law degree. She is an impressive young lady.

The theme of CroFest is "we are learning Croatian through song", which I believe is translated as "Ucimo Hrvatski sa muzikom". It certainly is topical at the moment because there has been a lot of discussion about people learning English.

The work of the Croatian Studies Foundation and of other organisations like it is important to ensure that the next generation, the children of immigrants who come here, learn the Croatian language. I think that the children of immigrants generally learn English quite well and become part of Australian culture and life, but in the case of people from non-English speaking backgrounds it is important to hold onto some of the traditions of your parents' homeland. It is particularly important to try and hold onto the language as much as possible. I think that always needs to be done in a balanced way—not in a way that separates various ethnic groups from the community, but in a way that celebrates where they have come from and celebrates the culture and the language whilst also embracing their new homeland, their new country and their new language.

I would like to commend the organisers, the Croatian Studies Foundation, SBS Radio and the representatives of the Croatian embassy and the Bosnian embassy. I believe the Bosnian ambassador was there. It was great to see them attending. It was an excellent evening. Once again, I congratulate the organisers on putting on the evening.

## Sport and recreation—football

**MS PORTER** (Ginninderra) (4.51): Mr Speaker, we know how important regular exercise and healthy activity are for all of us, particularly our children. It is vital that our children develop healthy habits early in their lives to help prevent the obesity epidemic that is increasingly affecting our population. That is why I was so pleased last Saturday to be able to attend two junior football presentations—the game formerly known as soccer.

The first was for Gungahlin United at Nicholls, where I saw a large number of young children receive their trophies. Boys and girls as young as four proudly lined up with their team mates to receive mementoes of their season. In the afternoon I had the opportunity to congratulate the young men and women from Belsouth as they received trophies recognising their achievements.

Both clubs record growing numbers and interest, with Gungahlin United registering over 100 new players each season. The club now has 380 juniors and 130 senior players on its books and expects the numbers to be well over 1,000 for the 2007 season. Officials from both clubs also advised me that there has been a significant increase in the number of girls and young women that are showing interest in playing the world game. I commend the clubs on the work that they are doing to encourage female participation.

Apart from the opportunity to participate in healthy outdoor activity that football provides for our young people, the clubs also facilitate the families and other members of the community coming together to support their local community. Parents and officials tell me that they very much enjoy their involvement in coaching, training, committee work and supporting their children when they play.

When I first arrived in Canberra in 1977, I looked for a way to find out how my new community ticked, how to get to know people and how to become involved in my new home. I chose to get involved in helping establish a new community service organisation, which we all now know as Communities@Work. However, my family or I may well have chosen to become involved in a local sporting club.

On the weekend many parents from Nicholls and Hawker told me that participating in voluntary activities with their club was important in helping them make new friends. Additionally, they commented on their belief that moving into a new community carried with it a level of responsibility to that community. They said that they saw their involvement in their club as a way that they can fulfil that responsibility.

I think that all of us would agree that governments cannot work alone in building the social, economic and cultural infrastructure of a community. It must also have the support of business and, most importantly, the support of the committee itself. What I

observed on Saturday was an outstanding example of how members of our community are working together to build a strong and healthy society.

Having said that, let me say that governments do have a very important role to play in providing appropriate facilities for our sporting teams, and I look forward to working with Minister Hargreaves and his department to continue to improve these facilities, particularly in the rapidly growing area of Gungahlin.

Finally, I commend Chris Grainger, the President of Gungahlin United, and Graeme Rodda, the President of Belsouth, and their executives and other committee members on the great leadership roles that they are playing in their respective clubs. I also congratulate the many volunteers who give their time to coach and train the young people, as well as those who play an active role on the day of the games and take an active role in other administrative roles with the clubs. I am sure the players themselves greatly appreciate the help of these volunteers.

## Ms Joanna Woodbury
## Ramadan

**MR PRATT** (Brindabella) (4.55): Tonight I wish to farewell Joanna Woodbury, who will be leaving my employ Friday week. She has been in this place for about five years now and is going on to much bigger and better things.

I want to talk tonight about the success of the opposition-run Ramadan celebration last night. This event was a repeat of what we initiated last year. It was an opportunity to celebrate the coming of Ramadan, which will commence on either Saturday or Sunday, depending on which imam on the east coast first identifies the appropriate moon. There will be a struggle among them to see whose decision prevails.

I would like to thank the Afghan ambassador, the Turkish ambassador, the Indonesian ambassador, the charges d'affaires of Egypt, Pakistan and Malaysia who attended, and other senior embassy officials from a number of other Arab and Asian countries. I would like to thank Dr Foskey and Ms Porter for coming along. We did promulgate the affair last night as very much a bipartisan affair. In fact, we invited the minister for multicultural affairs to speak at the function.

Representatives from the Canberra Islamic Centre and the Canberra Mosque were present. Bishop George Browning was present, with Mr Bill Arnold of the ACT Jewish community and Mr Joe Bailey of the Anglo-Indian community. The purpose of the evening was to show a harmonious, across the faith and across the cultural divide standing with ACT Muslims in the celebration of Ramadan.

Seventy people attended the function, twice as many as attended last year. It is therefore somewhat sad that Mr Hargreaves should get up here today and launch a political attack on last night's activities. We went out of our way to invite him to speak. We actually talked Mr Hargreaves up to demonstrate to the broader community that the Assembly as a whole was very happy to celebrate and run this particular activity last night.

It is supreme hypocrisy for Mr Hargreaves to make a cheap attack based on a misleading newspaper story. Based on my deeds and my words over the last five years about both multicultural and Muslim affairs, he must know that the story is not representative at all

of my personal position, nor of the position of the opposition. The position of the opposition is extremely positive in this area. It was a low, cheap political attack by Mr Hargreaves, who decided to bite the hand that had fed him.

The feedback that we got last night and this morning from the broader community through diplomatic and multicultural community channels is that people were extremely happy with that celebration. They are very positive about what was achieved there last night and very pleased with the extremely positive dialogue that occurred last night. Bishop Browning, Mr Arnold and all of the ambassadors spoke extremely wisely about the need for multifaith and multicultural dialogue. It was an important occasion. Senator Gary Humphries, who also attended—bless his heart—read out a glowing and positive message from the Prime Minister to welcome that community.

I would have to say that we, the opposition, would probably find it extremely difficult to invite Mr Hargreaves or Mr Stanhope to any other activities of that nature. We wrote to the broader community and announced that this was going to be very much a bipartisan affair. But this is the way that the minister treats what should have been a positive occasion.

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

## Commonwealth Parliamentary Association Conference

**MS MacDONALD** (Brindabella) (5.00): Mr Speaker, I want briefly to talk about our recent trip to the Commonwealth Parliamentary Association Conference in Nigeria. I do not think anybody would necessarily desire to go to Nigeria; it is not the number one holiday destination for anybody. While I felt some trepidation about going to Nigeria—and I am sure that many people were aware of that—I have to say that I had an amazing experience. That was not least, of course, because British Airways lost my bag for four days. But never mind about that.

I specifically want to thank Iain Dickie, the high commissioner, and Brian Garrington, the deputy high commissioner, and all the staff at the Australian High Commission for their assistance to all the Australian delegation to Nigeria. If I get a chance in the next sitting, I might talk about Christine Borowiecki, who is the principal of the Abuja Capital International College and thank her for taking me and two of my Australian parliamentary colleagues around the school as well as one of the local craft markets. That was an amazing experience in itself. Nigeria is a land with great potential, but I think it has a long way to go before it will achieve it.

**MR SPEAKER**: The time for the debate has expired.

**MRS DUNNE** (Ginninderra) (5.02): In the brief time available to me I would like to touch on some—

**MR SPEAKER**: Mrs Dunne, I must interrupt. We have reached the end of the time for this debate. My apologies.

Question resolved in the affirmative.

**The Assembly adjourned at 5.02 pm until Tuesday, 17 October 2006, at 10.30 am.**

# Schedule of amendments

## Schedule 1

## Justice and Community Safety Legislation Amendment Bill 2006

Amendment moved by the Attorney-General

**1**
**Schedule 1**
**Amendment 1.20**
**Page 14, line 3**

*omit*

## Answers to questions

### Schools—closures
### (Question No 1167)

**Dr Foskey** asked the Minister for Education and Training, upon notice, on 15 August 2006:

(1) What is the average recurrent expenditure per student for each ACT Government (a) primary school, (b) high school, (c) college and (d) special school for the latest available year;

(2) What is the average recurrent expenditure for each school listed in part (1) for (a) teaching staff, (b) other staff, (c) utilities, (d) grounds and maintenance, (e) consumables, (f) cleaning and (g) other;

(3) What is the annual recurrent financial savings to the ACT Government expected from the closure of each (a) preschool, (b) primary school, (c) high school and (d) college listed for closure from 2006-2008 in the *Towards 2020: Renewing our Schools* statement;

(4) What are the expected financial savings in each school listed in part (3) for (a) teaching staff, (b) other staff, (c) utilities, (d) grounds and maintenance, (e) consumables, (f) cleaning and (g) other;

(5) What is the annual recurrent financial savings to the ACT Government expected from each of the multi-campus arrangements listed in the *Towards 2020: Renewing our Schools* statement;

(6) What are the expected financial savings in each case listed in part (5) for (a) teaching staff, (b) other staff, (c) utilities, (d) grounds and maintenance, (e) consumables, (f) cleaning and (g) other;

(7) What Government agencies or units of ACT Government departments occupy space in the preschools and schools listed for closure in the *Towards 2020: Renewing our Schools* statement;

(8) What is the annual rent paid by each of these agencies or units;

(9) What is the estimated cost of moving these agencies or units to another location;

(10) What is the estimated annual cost of renting commercial space for these agencies and units;

(11) What community organisations currently occupy space in the preschools and schools listed for closure;

(12) What is the annual rent paid by each of these organisations;

(13) What provision will be made for the future location of these organisations and what costs will be incurred by the ACT Government.

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

(1) The answer can be found at the Department's website www.det.act.gov.au. Splits between a number of the sub-categories which you have sought are not easily calculated. I will not be authorising the Department to take on these calculations due to a lack of departmental resources within the timeframe. No special schools are proposed to be closed by the *Towards 2020: Renewing our Schools* proposal, and therefore costs per student for special schools have not been provided.

(2) Same answer as (1)

(3) Same answer as (1)

(4) Same answer as (1)

(5) Same answer as (1)

(6) Same answer as (1)

(7) The Department has a number of staff who deliver a range of student services and teacher selection and training who are currently based in excess space in several schools. Some staff frequently relocate their base, depending on the need for their services while other others work closely with school principals and teachers in staff development and selection. These officers would seldom occupy commercial offices because of the nature of their work. Apart from these arrangements, the Department has no listed agreements with other government agencies or units of ACT Government to occupy space in the preschools and schools identified for closure in the *Towards 2020: Renewing our Schools* proposal.

(8) Nil.

(9) Not applicable.

(10) Not applicable.

(11) A list of community organisations currently occupying space in the preschools and schools listed for closure is at Attachment A.

(12) The annual rent paid by community organisations currently occupying space in the preschools and schools listed for closure is at Attachment A.

(13) At this stage, the Government has not made any decision to close schools. The consultation process will include an assessment of the needs for tenants in ACT Government schools.

Attachment A

| **School** | **Tenants** | **Income for 2005/2006 (GST Exclusive)** |
|---|---|---|
| GIRALANG | Dr Sue Wareham (non teaching space) | $ 13,945 |
| HIGGINS HEALTH CLINIC | Sharing Places Inc | $ 7,954 |

| School | Tenants | Income for 2005/2006 (GST Exclusive) |
|---|---|---|
| MELBA HEALTH CLINIC | Sharing Places Inc (non teaching space) | $ 8,504 |
| MELROSE | Subud Archives International (Australia) | $ 9,003 |
| MELROSE | YMCA | $ 13,877 |
| RIVETT | Noah's Ark Resource Centre | $ 20,821 |
| RIVETT | Warehouse Circus | $ 1,326 |
| WESTON | Nature & Society Forum Inc<br>Australian National Biocentre Incorporated<br>Australia 21 Limited<br>The Australian Environmental Labelling Association Inc<br>The Sustainability Science Team Pty Ltd<br>Sustainable Population Australia | $ 9,757 |
| WESTON | Association of Parents & Friends of ACT Schools Inc | $ Nil |
| WESTON HEALTH CLINIC | Uniting Care Mirinjani Village | $ 11,339 |
| MACARTHUR HEALTH CLINIC | National Centre for Road Trauma Support Limited (non teaching space) | $ 4,942 |
| CHIFLEY HEALTH CLINIC | National Parks Association (non teaching space) | $ 1,787 |
| COOK | Canberra Youth Ballet School | $ 33,394 |
| | ACT Playgroups Association | $ 17,670 |
| | Community Programs Association Inc | $ 8,352 |
| | Adult Learning Australia Inc | $ 1,850 |

## Hospitals—elective surgery (Question No 1168)

**Mr Mulcahy** asked the Minister for Health, upon notice, on 15 August 2006:

(1) What was the total cost of the 9 071 elective surgery operations carried out in the ACT last year;

(2) How much of this money was contributed by the (a) ACT Government, (b) Federal Government, (c) insurance companies and (d) patients who received operations;

(3) Is the selection process for elective surgery procedures means tested or is it open to anyone prepared to wait;

(4) What was the total amount the ACT Government paid for the public hospital system in 2005-06.

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

(1) It is not possible to determine the exact cost of the 9,071 elective surgery operations performed in ACT public hospitals in 2005-06 due to the nature of the services provided. Most of our operating theatres, in general, manage emergency and elective patients during each session.

Based on detailed cost estimates, the estimated cost of the 9,071 elective procedures performed during 2005-06 was $76.4 million.

(2) As noted in (1) above, it is not possible to provide an exact split between funding sources. The average split of funding sources for ACT services is:

(a) 55% direct funding from ACT Government sources

(b) 22% funding from the Commonwealth under the Australian Health Care Agreement (which is the return of ACT taxpayer funds)

(c) 12% from all other sources including private health insurance, self funded patients, the Commonwealth Department of Veterans' Affairs and other revenues

(d) see (c) above.

In addition to the above, NSW provided approximately 11% of total hospital costs under the agreement between NSW and the ACT for the management of cross-border flows (under the Australian Health Care Agreement).

(3) Under the Australian Health Care Agreement 2003-08 between the ACT and the Commonwealth all access to public hospital services is on the basis of clinical need alone.

(4) The ACT Government provided $331.3m for acute services in 2005-06.

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## Personal carers (Question No 1169)

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

(1) What is the Government doing to address the problems identified in the findings of a research study conducted by Dr Tony Jones at the Australian National University on 141 personal carers;

(2) Will the Government consider introducing a training program for personal carers in the areas of (a) aged care, (b) mental illness and (c) dementia; if so, when is it likely to be introduced; if not, why not;

(3) Will the Government consider establishing an organisation or body to register and monitor personal carers; if so (a) what will be the organisational structure of this body and (b) when is it likely to established; if not, why not.

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

(1) ACT Government is in the process of consultation widely on the role of personal carers through the *Direct Care Employee Consultation Paper*.

The Direct Care Employee Consultation Paper has been released for public consultation and feedback on four key proposals.

It has been circulated widely and can also be downloaded from the ACT Health website. Feedback is required by Close of Business Friday 29 September 2006.

Two proposals of the Consultation Paper are to:

- Petition the Australian Government to establish national standards to support safe and effective care from direct care employees; and
- As an interim measure, establish a Territory wide Code of Conduct that stipulates the minimum standards of education and levels of competency for direct care employees.

(2) The Consultation Paper proposes that the ACT establish a Code of Conduct that includes a minimum qualification of Certificate III or equivalent. The Government will take into consideration all submissions on this recommendation before determining and prioritising actions and time frames relating to education and training for these workers.

(3) In its recent study into the *Australian Health Workforce* (2005), the Productivity Commission recommended that Australian health workers be regulated on a national basis. The ACT Government supports this recommendation although it recognises that this process is likely to take time.

In the mean time the Consultation Paper proposes that ACT Health establish a Code of Conduct for employing direct care employees within the Territory that is aligned with conduct codes developed in other jurisdictions and identifies:

- A minimum qualification of Certificate III or equivalent
- Clear practice guidelines and practice standards
- Clear direction and supervision guidelines.

The Government will take into consideration all submissions on this recommendation before determining and prioritising actions and time frames relating to education and training for these workers.

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## Hospitals—elective surgery (Question No 1170)

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

(1) Further to the reply to question on notice No 1086, what is the most current figure for people on the public elective surgery waiting list who have not yet been given a proposed date for surgery;

(2) How many of those people listed in part (1) have been waiting for a proposed date for (a) less that 12 months, (b) between 12 and 24 months and (c) more than 24 months;

(3) How many of the people listed in parts (2) (b) and (c) are (a) Category 1, (b) Category 2 and (c) Category 3 patients.

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

(1) As of 31 July 2006, there were 4,068 people on the public surgery waiting list without a proposed date for surgery. Dates for surgery are given 2 – 3 weeks in advance.

(2) Of these 4,068 people
(a) 3,075 people have been waiting less than 12 months
(b) 647 people have been waiting between 12 and 24 months.
(c) 334 people have been waiting greater than 24 months.

(3) Of the 647 people who have been waiting between 12 and 24 months and who do not have a scheduled date for surgery.
(a) 0 are Category one patients.
(b) 209 are Category two patients.
(c) 438 are Category three patients.

Of the 334 people who have been waiting greater than 24 months and who do not have a scheduled date for surgery.
(a) 0 are Category one patients.
(b) 70 are Category two patients.
(c) 264 are Category three patients.

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## National Cord Blood Collection Centre (Question No 1171)

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

Further to the agreement by the Australian Health Ministers' Advisory Council (AHMAC) on 2 March 2005 to conduct an independent review of the National Cord Blood Collection Centre and consult the ACT Government via their health department representative on the AHMAC Intergovernmental Committee on Organ and Tissue Donation, has the review been completed; if so, what were the outcomes of the review; if not, (a) when will it be completed and (b) will the Minister make the outcomes available to ACT residents.

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

(1) The independent review of the National Cord Blood Collection Network has been completed.

(2) I am advised that the report contains commercial-in-confidence information and legal advice, is therefore not currently in the public domain. The Australian Health Ministers' Advisory Council will consider the report later this year.

(3) I will make the final outcomes of this process available to ACT residents, once agreed by all jurisdictions.

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## Public service—staffing requirements (Question No 1173)

**Mr Stefaniak** asked the Minister for Tourism, Sport and Recreation, upon notice, on 15 August 2006:

(1) Has the Minister decided on his staffing budget for the 2006-07 financial year; if not, when will the Minister decide his staffing requirements for 2006-07;

(2) How many staff will be transferring to the Shared Services Centre from Sport and Recreation;

(3) How many positions will Sport and Recreation lose as a result of the 2006-07 budget.

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

(1) As advised at the Estimates Hearings on 23 June 2006, the Department of Territory and Municipal Services is embarking on a significant organisational review.

One major project involves critically examining the structure of Sport and Recreation functions. The outcomes of this project will be known at the end of September, with staffing and budgetary arrangements finalised at this stage.

(2) Nil

(3) See 1.

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## Parkwood Recovery Estate (Question No 1175)

**Mr Berry** asked the Minister for the Territory and Municipal Services, upon notice, on 16 August 2006:

(1) What valuations have been conducted in relation to the Parkwood Recovery Estate before January 2006;

(2) What were the outcomes of the valuations, by block.

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

(1) Valuations were provided by the Australian Valuation Office on 1 December 1999, 21 November 2001, 4 December 2003 and 2 June 2004. Valuation advice was received from Herron Todd White on 22 December 2004.

(2) Nil - Valuations before January 2006 were based on a square metre rate per annum rather than by block.

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## Construction industry—disciplinary notices (Question No 1177)

**Mr Seselja** asked the Minister for Planning, upon notice, on 17 August 2006:

(1) When will the Minister provide written notice for the commencement of the *Construction Occupations Legislation Amendment Act 2006*;

(2) Given that sub-section 56(1) of the Act makes provision for a person who has been given a disciplinary notice to ask the registrar to hold an inquiry, (a) how many disciplinary notices have been issued since 1 September 2004, (b) how many disciplinary notices issued since 1 September 2004 have been taken to the Administrative Appeals Tribunal (AAT), (c) of those disciplinary notices taken to the AAT, how many were upheld and how many have been overturned and (d) how many complaints has the ACT Planning and Land Authority (ACTPLA) received from people issued with disciplinary notices since 1 September 2004;

(3) Given that section 35 of the Act makes no provision for an inquiry when a rectification order is issued, (a) how many rectification orders have been issued since 1 September 2004, (b) how many rectification orders issued since 1 September 2004 have been taken to the AAT, (c) of those rectification orders taken to the AAT, how many were upheld and how many have been overturned and (d) how many complaints has ACTPLA received from people issued with rectification orders since 1 September 2004.

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

(1) When will the Minister provide written notice for the commencement of the *Construction Occupations Legislation Amendment Act 2006?*

The *Construction Occupations Legislation Amendment Act 2006* was notified on 31 August 2006 and commenced on 1 September 2006.

(2) Given that sub-section 56(1) of the Act makes provision for a person who has been given a disciplinary notice to ask the registrar to hold an inquiry, (a) how many disciplinary notices have been issued since 1 September 2004?

Under section 56 (1) of the *Construction Occupations (Licensing) Act*, which I refer to here as "the COLA", thirty disciplinary notices have been issued since 1 September 2004.

(b) how many disciplinary notices issued since 1 September 2004 have been taken to the Administrative Appeals Tribunal (AAT)?

None, COLA disciplinary notices cannot be taken to the AAT, as a decision to issue a disciplinary notice is not a reviewable decision under Regulation 45 of the *Construction Occupations (Licensing) Regulation 2004*.

(c) of those disciplinary notices taken to the AAT, how many were upheld and how many have been overturned?

For the reasons mentioned above the AAT has not reviewed any disciplinary notices.

(d) how many complaints has the ACT Planning and Land Authority received from people issued with disciplinary notices since 1 September 2004?

None

(3) Given that section 35 of the Act makes no provision for an inquiry when a rectification order is issued,

(a) how many rectification orders have been issued since 1 September 2004

Six rectification orders were issued since 1 September 2004, one of the rectification orders was an emergency rectification order.

(b) how many rectification orders issued since 1 September 2004 have been taken to the AAT?

Three of the six rectification orders have been reviewed by the AAT.

(c) of those rectification orders taken to the AAT, how many were upheld and how many have been overturned?

One of the rectification orders was modified by the AAT, and one overturned. This matter is currently before the ACT Supreme Court for review.

(d) how many complaints has ACTPLA received from people issued with rectification orders since 1 September 2004?

None.

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## Urban Services—mail-outs (Question No 1178)

**Mr Pratt** asked the Minister for the Territory and Municipal Services *(redirected to the Acting Minister for the Territory and Municipal Services)*, upon notice, on 17 August 2006:

(1) Did a mail-out on 5 June by Urban Services include a DL size flyer of an upcoming show at the Canberra Theatre, a DL size pamphlet of the National Bonsai Collection of Australia and an A5 size booklet titled "Supervising a Learner Driver";

(2) How often do these mail-outs occur;

(3) Is there a process for selection of what material is included in these mail outs; if so, how does this selection process occur and who approves the material;

(4) How many people are employed in the Department of Urban Services to process these mail-outs;

(5) Who is on the mailing list;

(6) What is the (a) average cost of these mail outs and (b) highest cost and lowest cost of one of these mail-outs.

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

(1) Yes, being ACT Government publicly available documents produced by Publishing Services in the week ending 26/5/2006.

(2) Generally each week but depends on material produced by Publishing Services and released by ACT Government agencies.

(3) Publishing Services follow statutory obligations required for the Assembly: *'The Report of the Estimates Committee (November 1990) recommended in section 5.55 that '.... all agencies institute a practice whereby all Members of the Legislative Assembly are provided with a copy of all publicly available material, other than those tabled in the Assembly.'*
Copies are distributed to the National Library as required under the *Copyright Act 1968*. For public information purposes copies are also sent to ACT Government and Assembly Libraries.

(4) There are no officers specifically employed to process these mail outs. The publishing officers arrange copies to be delivered to an embargo room, where held until publicly available. When released they are collected by a contractor who packages and distributes.

(5) There are 22 recipients on the mailing list; the 17 ACT Assembly members, the ANU Law Library, National Library of Australia, the Assembly library, ACT Library Service and Publishing Services.

(6) In answer to both a) and b) the cost is fixed at $114 (incl GST) per mail out.

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## Motor vehicles—LPG conversion (Question No 1179)

**Mr Pratt** asked the Minister for the Territory and Municipal Services *(redirected to the Acting Minister for the Territory and Municipal Services)*, upon notice, on 22 August 2006:

(1) Given the Federal Government's recent initiative to subsidise vehicle conversion to LPG, will the ACT Government also subsidise motor vehicle registration costs for vehicle owners who convert their vehicle to LPG; if not, why not;

(2) Will incentives be put in place by the ACT Government to encourage ACT petrol station owners to provide adequate storage facilities for LPG; if not, why not; if so (a) what incentives will be put in place and (b) when will they be put in place;

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

(1) The ACT provides a 20% registration concession for vehicles converted to operate on LPG. This concession rises to 28% for registered operators who hold an ACT Seniors Card, provided they are not entitled to a pensioner's or DVA (Department of Veteran's Affairs) card holder's concession.

(2) The issue of providing incentives to ACT petrol station owners offering LPG fuel has not been considered by Government. LPG is routinely and widely available in the ACT

market. Government intervention is not required in a market that has not failed, and in which market forces adequately balance supply and demand.

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## Environment ACT—restructuring (Question No 1181)

**Dr Foskey** asked the Minister for the Territory and Municipal Services, upon notice, on 22 August 2006:

(1) Has the process of restructuring of the former Environment ACT been completed;

(2) How many positions have been lost;

(3) In what areas have they been lost;

(4) How many staff have (a) been moved into other positions in the ACT Government and (b) taken absences due to stress leave;

(5) Does the Office of Sustainability still exist as a discrete unit within the Department of Territory and Municipal Services;

(6) What number of staff remain in the Sustainability area;

(7) What projects is the Sustainability area working on at present;

(8) What is the work plan for the Sustainability staff over the rest of the Government's term?

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

(1) No.

(2) The change in Environment ACT will not be known until the implementation of the new organisational structure is completed.

(3) See response to question 2.

(4) (a) Nil
(b) Nil

(5) No. Those parts of the Office of Sustainability transferred to Territory and Municipal Services have been integrated into the Sustainability Policy and Program Branch combining with Natural Resources Policy and ACT NOWaste.

(6) 38.

(7) Major projects that the Sustainability area is currently working on include:

- Development of a draft Climate Change Strategy and initiatives for consultation in early 2007.
- Participation and advice on various COAG and Ministerial Council committees particularly in relation to water, climate change, natural resource management and primary industry.
- Commitments, including reporting, to the Murray-Darling Basin Commission and National Water Initiatives.

- Climate change protection program under the International Council for Local Environmental Initiatives.
- Implementation of national energy market reforms in the ACT under COAG and the Ministerial Council on Energy.
- Review of the *Utlilities Act 2000*.
- Legislation for the implementation of the national energy market reforms.
- Implementation of the Water Resources Strategy.
- Fuel efficiency in the ACT Government fleet.

(8) This will be finalised once the structural changes have been completed.

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## Disability, Housing and Community Services, Department (Question No 1182)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 22 August 2006:

How much funding, as a percentage of the total budget for the Department of Disability, Housing and Community Services, has been placed aside in the annual budgets of (a) 2002-03, (b) 2003-04, (c) 2004-05, (d) 2005-06 and (e) current year to date for the trialling of new programs.

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

The Department has not placed aside a percentage of the nominated annual budgets specifically for the trailing of new programs.

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## Disability ACT (Question No 1183)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 22 August 2006:

(1) How does Disability ACT deliver flexible family support models to residents of Disability Group Homes;

(2) How many families of individuals residing in Disability Group Homes does Disability ACT provide support to in negotiating service arrangement;

(3) What forms of service arrangements does Disability ACT arrange, external to the Disability Group Home program.

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

(1) Disability ACT provides flexible family support models by looking at the individual requirements of each person within the group house and by facilitating support to meet these requirements. Disability ACT also encourages and facilitates the family's ongoing involvement in the life and direction of their family member.

(2) Disability ACT provides support to all families of individuals in Disability ACT group homes seeking to negotiate service arrangements.

(3) Other external services arrangements for people with disabilities are facilitated by Disability ACT such as therapy and medical interventions, access to community services, disability and non-disability specific day activities and/or work programs.

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## Disability ACT
## (Question No 1184)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 22 August 2006:

(1) Does Disability ACT rotate staff who work in disability group homes between residences; if so, how often are the staff rotated;

(2) If staff are to continue being rotated, what process is undertaken to ensure the appropriate matching of staff to a new residence, keeping in mind any specialist needs of residents of Disability Group Homes.

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

(1) Disability ACT does not rotate staff that work in disability group homes between residences. Occasionally some staff are moved due to operational requirements or client needs.

(2) Disability ACT does not rotate staff.

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## Disability ACT
## (Question No 1185)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 22 August 2006:

(1) How does Disability ACT combat incompatibility of clients who reside in Disability Group Homes;

(2) How are staff tasked to address or mediate any issues surrounding incompatibility of residents in Disability Group Homes;

(3) What steps are being taken by Disability ACT to remedy any incidences of incompatibility of residents by way of changing the Disability Group Home model.

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

(1) Disability ACT seeks to combat issues of incompatibility between clients in a residence through the individual planing process, facilitated risk assessments, and with the assistance of therapists and families. If the issues of incompatibility continue the clients and/or their family can request relocation to another house.

(2) Staff will identify the areas of incompatibility and with advice from therapists and family implement strategies to alleviate areas of incompatibility. These strategies are incorporated into residents' Individual Plans.

(3) Disability ACT works closely with the individuals involved, the families and the staff to assess any systemic issues which may be contributing to incompatibility. A range of options is explored, based on the individual needs of residents. Options considered may include a different model of support.

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## Disability ACT
## (Question No 1186)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 22 August 2006:

(1) Has a Needs Assessment Instrument (NAI) been implemented by Disability ACT to assist with determining or guiding criteria used to allow clients to access the Disability Program;

(2) If so, how does the NAI assess differing levels of disability or clarify which individuals are measured as having the greatest relative need to access the Disability Program.

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

(1) Eligibility for access to a vacancy in the Accommodation Support Service ('Disability Program') is determined by the following criterion:

- the person's current supports are not sustainable,
- they have high and complex needs,
- they are willing to be accommodated within this model of service; and
- no other service in the ACT is able to provide the services.

When a formal assessment of need is required the assessing officer uses a tool that is a combination of the American *Support Intensity Scale* and the Australian *Support Classification and Assessment of Needs Instrument.*

(2) This assessment tool is not used to determine priority of eligibility for supported accommodation.

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## Disability ACT
## (Question No 1187)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 22 August 2006:

(1) If a staff vacancy occurs within an individual Disability Group Home, what form of recruiting process is undertaken by Disability ACT to find a suitable replacement;

(2) What role or input does the parent or guardian of a resident in a particular Disability Group Home have in the decision-making process of filling a staff vacancy.

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

(1) Disability ACT undertakes recruitment rounds throughout each year. Staff vacancies are filled either from existing staff or through recruitment rounds. Casual staff are sometimes engaged pending the filling of vacancies.

(2) A parent representative is included on each panel for recruitment rounds.

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## Disability ACT
## (Question No 1188)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 22 August 2006:

In relation to the Government's review of Disability Service Provision, what forms of quality assurance will Disability ACT have in place during the proposed 12 month trial whereby the community sector will be given the opportunity to provide activities such as (a) recreation and social associations, (b) transport arrangements, and (c) accommodation services for people who reside in Disability Group Homes.

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

(1) The Government is undertaking a review of the role of government in the provision of disability services in the ACT. There is no pre-determined outcome for this review. There are no trials underway or being organised.

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## Land Development Agency
## (Question No 1189)

**Mr Seselja** asked the Minister for Planning, upon notice, on 23 August 2006:

In relation to the cost of site office establishment by the Land Development Agency:

(1) What is the total and individual cost of (a) all site offices established by the Land Development Agency in the last two years up to 30 June 2006, (b) the landscaping surrounding all of the site offices established by the Land Development Agency in the last two years up to 30 June 2006 and (c) the removal of all site offices established by the Land Development Agency in the last two years up to 30 June 2006;

(2) How long was each individual site in operation for and what were the exact dates of operation for each site office.

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

(1) (a) The site office at Wells Station cost $123,615 (ex GST) to build.

(b) The landscaping cost for the Wells Station site office was $72,700 (ex GST).

(c) Nil.

(2) The Wells Station site office was established on 3 April 2006.

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## Environment—roadside carcasses (Question No 1191)

**Dr Foskey** asked the Minister for the Territory and Municipal Services, upon notice, on 23 August 2006:

Regarding roadside carcasses:

(1) What is the ACT Government's policy regarding the removal of roadside carcasses;

(2) Is this a longstanding policy or one based on funding savings from the 2006-07 budget;

(3) What health and scenic issues has the ACT Government taken into account in formulating this approach.

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

(1) The removal of roadside carcasses is a function undertaken by rangers from Environment and Recreation as a component of the Urban Wildlife Program. Carcasses in locations adjoining the suburbs, in prominent public thoroughfares or those that may pose a traffic or health hazard, receive top priority for removal.

It is important to note that seasonal conditions impacting on the abundance and distribution of pasture are a key influence on Eastern Grey Kangaroo behaviour. The ongoing dry period we are experiencing in the Canberra region may be causing kangaroos to move over greater distances in search of food and water. As much of their habitat in the urban environment is dissected by main roads, it is not unusual for carcass numbers to increase at this time of the year.

(2) This is a longstanding policy.

(3) The sight of a dead animal on a roadside is an unfortunate reminder of the risk that vehicles and wildlife on roads present to each other. Anecdotal evidence suggests that the actual presence of animal carcasses may be the most powerful and effective reminder to motorists that they need to be watchful of wildlife when driving on our roads in the "bush capital". However, the timely removal of carcasses ensures that health risks, for example through the transmission of hydatids to humans or other animals, are minimised.

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## Disability ACT (Question No 1192)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 23 August 2006:

(1) How many Disability ACT staff are anticipated to continue working in the Disability Group Homes after the trial has concluded on the use of community sector support in the Group Homes;

(2) How will parents of people who reside in Disability Group Homes have any input in the selection of non-Government staff that will work within the Group Homes during the trial period of the use of staff from the community sector.

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

(1) The Government is undertaking a review of the role of government in the provision of disability services in the ACT. There is no pre-determined outcome for this review. There are no trials underway or being organised.

(2) Refer to answer (1).

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## Disability ACT
## (Question No 1193)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 23 August 2006:

(1) How many of the Government owned Disability Group Homes remain under the administrative and financial control of the ACT Government after the proposed trial of the use of community sector support in Government group homes;

(2) What will Disability ACT do to ensure that increasing demands for placements of people into Disability Group Homes is met.

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

(1) The Government is undertaking a review of the role of government in the provision of disability services in the ACT. There is no pre-determined outcome for this review. There are no trials underway or being organised.

(2) Vacancies occur infrequently in Individual Support Services accommodation support. If vacancies arise, they are filled based on the following criteria:

- the individual's current supports are not sustainable,
- the individual has high and complex needs,
- the individual and their family/guardian are willing to be accommodated within this model of service; and
- no other service in the ACT is able to provide the services.

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## Disabled persons—accommodation
## (Question No 1194)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 23 August 2006:

With reference to page 41, Gallop Report: Board of Inquiry into Disability Services (2001):

(1) Will Disability ACT be directed to implement Recommendation 15 indicating the Disability Program should not continue to be responsible as landlord for providing

accommodation for its clients; if so, what rights and responsibilities will Disability ACT be facilitating for people with special needs that will entitle them to enter into accommodation agreements with housing providers, both government and private.

(2) What levels of support will be provided by the ACT Government via the services offered by Disability ACT to people with special needs who opt to take up accommodation agreements in the private housing market.

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

(1) In response to recommendation 15, Disability ACT and Housing ACT offered individual tenancy agreements to all residents of Disability ACT group houses. To date 15 individuals in five houses have elected to enter into individual tenancy agreements. A further 13 clients expressed an interest in the offer but have been unable to transfer to the new arrangements because the offer is contingent on the agreement of all residents within a household. This offer remains open to all Accommodation Support Services clients.

Under *Residential Tenancies Act 1997*, people with special needs have the same entitlements as anyone else.

Disability ACT, as well as government-funded community accommodation support services, assist their clients to understand their tenancy rights and responsibilities, and to meet their tenancy obligations. Private tenants are also supported by community agencies such as ACT Shelter.

(2) Accommodation support services provided by Disability ACT to people with special needs who opt to take up accommodation agreements in the private housing market is no different from people with special needs who live in public accommodation.

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## Disabled persons—accommodation (Question No 1195)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 23 August 2006:

With reference to page 42, Gallop Report: Board of Inquiry into Disability Services (2001):

(1) Does Recommendation 16 suggest that in order to protect the tenancy rights of disabled people, the *Residential Tenancies Act 1997* should be amended to ensure that residents in group homes have adequate security of tenure by being granted appropriate tenancy status under the Act and what specific components of this Act offer protection of tenure to people with special needs;

(2) If such protection is afforded to disabled people, how does it cover any accommodation agreement, both public or private.

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

(1) Following a review of the Residential Tenancies Act 1997, the Residential Tenancies Amendment Act 2004 was passed in September 2004. This Act provides that a person can contract into terms of the Residential Tenancies Act through a Residential Tenancy Agreement.

Another effect of the Act is that other forms of occupancy, such as boarders and lodgers, will be subject to a set of occupancy principles set out in the Act and will come within the jurisdiction of the Residential Tenancy Tribunal.

The amendments to the ACT introduce a rights-based approach to occupancy and provide a basis for development of new agreements within the community sector.

In relation to tenure, the ACT specifies the circumstances in which a tenancy can be brought to an end. In particular, a tenancy cannot be terminated without cause unless 26 weeks notice is provided to the tenant to vacate the premises during a fixed term.

All individuals within government provided accommodation services have been offered individual tenancies that would afford residents the same tenancy rights as everyone else. This offer is provided on a voluntary basis with the option for individuals and/or guardians to remain under the current arrangements whereby the service provider remains as the head tenant.

(2) The provisions of the *Residential Tenancies Act 1997* apply to both private and public tenants.

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## Gungahlin Drive extension (Question No 1196)

**Mr Pratt** asked the Minister for the Territory and Municipal Services, upon notice, on 24 August 2006:

Regarding the Gungahlin Drive Extension (GDE):

(1) How much landfill in cubic metres has been required to be brought in for the purposes of fulfilling the contract requirements of the GDE project to date;

(2) Did any of the landfill at (1) above have to be bought; if so, what was the cost per cubic metre;

(3) For what purposes was the landfill at (1) above required;

(4) Was any of the landfill at (1) above found to be surplus to initial contract requirements; if so, how many cubic metres were surplus;

(5) Was any of the landfill that was specifically brought in to fulfil the expected contract requirements of the GDE project subsequently found to be excess to requirements for the project; if so, has any existing landfill had to be removed in addition to that brought in and, if so, how much of that landfill had to be removed;

(6) Have contract variations had to be made to the GDE project as a result of any oversupply and subsequent removal of additional landfill; if so, what is the cost of this contract variation;

(7) Have contract variations had to be made to the GDE project as a result of the removal of existing landfill; if so, what is the cost of this contract variation;

(8) What is the cost per cubic metre of the removal of any excess landfill on the GDE project;

(9) Where has this removed landfill been transported to, and has it been used on other projects in the ACT; if so, what are these projects.

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

(1) 200,000 cubic metres was imported to the site before GDE roadworks contracts commenced.

(2) The average cost was $2.20 per cubic metre.

(3) Material was imported because initial advice from the design consultants indicated there would be shortfall for the project.

(4) All the imported material has been used.

(5) Whilst all the imported material has been used on the project, subsequently about 170,000 cubic metres of excavated material elsewhere on the site has been found to be surplus to requirements and is being removed.

(6) No.

(7) The cost of the contract variation to remove surplus excavated material is estimated to be in the order of $2.5m.

(8) The cost of the removal of surplus excavated material is expected to be between $14 and $15 per cubic metre on average.

(9) The Arboretum Project and the Stromlo Recreation Park. These projects will benefit from the availability of the additional material.

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## Sport—teams assistance (Question No 1197)

**Mr Stefaniak** asked the Minister for Tourism, Sport and Recreation, upon notice, on 24 August 2006:

(1) Which ACT teams participating in national competitions (a) will receive assistance during 2006-07 and (b) received assistance during 2005-06;

(2) How much assistance (a) will each team at (1)(a) receive and from what sources and (b) did each team at (1)(b) receive and from what sources;

(3) Which season in each competition (a) will this assistance cover given that some competitions are played over more than one financial year such as the National Rugby League and (b) did this assistance cover in 2005-06;

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

(1) (a) Both the Canberra Raiders and ACT Brumbies have received their 2006/07 Performance Fee payments. Funding from the National League Team Program for 2006/07 has not yet been allocated.

(b) Canberra Raiders; ACT Brumbies; Canberra Capitals; Canberra Lakers; Canberra Strikers; Canberra Eclipse; Canberra Gunners; Canberra Comets; Canberra Dolphins; Canberra Cockatoos; Canberra Knights; Canberra Heat.

(2) (a) The Canberra Raiders and ACT Brumbies have been paid their 2006/07 Performance Fee ($1,125,000 and $675,000 respectively). Funding allocations from the 2006/07 National League Team Program are yet to be determined.

(b) See Table 1 (over).

**Table 1 : Funding to ACT teams – 2005/06**

| Team | 2005/06 National League Team Program | 2005/06 Performance Fees |
|---|---|---|
| ACT Brumbies (men's rugby union) | $ 100,000 | $ 675,000 |
| Canberra Raiders (men's rugby league) | $ 100,000 | $ 1,125,000 |
| Canberra Capitals (women's basketball) | $ 100,000 | |
| Canberra Lakers (men's hockey) | $ 40,000 | |
| Canberra Strikers (women's hockey) | $ 40,000 | |
| Canberra Eclipse (women's soccer) | $ 25,000 | |
| Canberra Gunners (men's basketball) | $ 25,000 | |
| Canberra Comets (men's cricket) | $ 15,000 | |
| Canberra Dolphins (m/w water polo) | $ 14,994 | |
| Canberra Cockatoos (m/w orienteering) | $ 20,000 | |
| Canberra Knights (men's ice hockey) | $ 15,000 | |
| Canberra Heat (m/w volleyball) | $ 15,000 | |
| Canberra Raiders (GST Program) | $ 30,000 | |
| Capital Football (Sydney FC preseason match) | $ 10,000 | |
| One Basketball Canberra (Opals Challenge) | $ 20,000 | |
| **TOTAL** | $ 569,994 | $ 1,800,000 |

(3) (a) and (b) Monies are paid to each team at set times throughout the financial year – these payments dates do not necessarily correlate to a competition season. It is recognised that team's require revenues at all stages of the year to support not only their competition costs, but administration, training, marketing, facilities, recruitment etc.

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## Industrial relations—nurses (Question No 1201)

**Mr Smyth** asked the Minister for Health, upon notice, on 24 August 2006:

What has been the financial cost to the ACT of the enterprise bargaining agreement for ACT nurses for each financial year since this agreement was put in place in 2001-02.

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

There have been two nursing enterprise bargaining agreements since 2001-02. The costs to Government to date for these agreements are set-out below:

| | 2001-02 $000's | 2002-03 $000's | 2003-04 $000's | 2004-05 $000's | 2005-06 $000's |
|---|---|---|---|---|---|
| 2002-2004 EBA | $8,513 | $17,073 | $20,305 | $20,305 | $20,305 |
| 2004-2007 EBA | | | $8,117 | $21,607 | $28,871 |
| **Total** | **$8,513** | **$17,073** | **$28,422** | **$41,912** | **$49,176** |

Total Expenses include accrued employee provisions.

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## Disabled persons—support (Question No 1204)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 24 August 2006:

(1) What records does Disability ACT maintain about families in the ACT who have a disabled person living at home, who also access ACT Government organised respite care services;

(2) How many Canberrans are recorded by the ACT Government to be in the position covered by (1) above;

(3) What support mechanisms are in place for the families at (1), particularly older carers of children with a disability living at home.

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

(1) Disability ACT maintains a database of all users of the four centre-based out of home respite houses run by Disability ACT.

(2) 216 families who have a person with a disability living at home attend the four centre-based out of home respite houses operated by Disability ACT.

(3) Support mechanisms in place for families include:

- centre-based, out of home respite offered at four respite houses;
- mature carers programs;
- information, counselling and support services offered by Carers ACT; and
- a range of Disability ACT funded flexible respite services that operate in the community.

In addition, there is a range of community access/day activity programs that provide respite for parents and carers, and the opportunity for people with a disability to connect with the local community.

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## Disabled persons—accommodation (Question No 1205)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 24 August 2006:

(1) How many ACT families with a disabled family member are waiting to access a placement for that family member in a Disability ACT managed group home;

(2) What is the approximate waiting time to gain a placement in a Disability ACT group home.

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

(1) Disability ACT does not maintain waiting lists.

(2) Placement in a Disability ACT group home is dependent on a vacancy arising and on the assessment of applicants based on the following criteria:

- the individual's current supports are not sustainable,
- the individual has high and complex needs,
- the individual and their family/guardian are willing to be accommodated within this model of service; and
- no other service in the ACT is able to provide the services.

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## Disability ACT—group homes (Question No 1206)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 24 August 2006:

(1) How often is it the case that a Disability Support Officer (DSO) 3 has to cover a shift in a Disability ACT managed group home for a DSO 1 or 2 if they are sick or unable to carry out their duties in full during a rostered shift;

(2) How many DSO 3s are working in Disability ACT; how many of them are rostered to cover for DSO 1or 2 positions in the event they cannot attend to a rostered shift in a disability group home.

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

(1) Disability ACT employs a casual relief pool and utilises an agency to fill vacant shifts that arise. DSO3 officers and other Disability staff will provide emergency cover in the event that relief staff are unavailable or until alternative arrangements can be made. This is not a frequent occurrence.

(2) Disability ACT employs 12 Full time DSO3 officers as Network Coordinators. They are not incorporated into rosters to cover vacant shifts.

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## Housing—review (Question No 1207)

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 24 August 2006:

In relation to the recent "Community Housing Review":

(1) What efficiencies is the Government hoping to achieve with the new benchmarks;

(2) Are the benchmark figures accurate; if so, what is the evidence of this and will the Minister publicly release that evidence;

(3) Will such changes to the Community Housing sector see the demise of community housing in the ACT; if not why not.

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

(1) The implementation of Benchmark payments will achieve consistent funding arrangements for all community housing within the $1.06m available from the Commonwealth State Housing Agreement (CSHA).

(2) Yes. The benchmark figures were developed in consultation with community housing organisations for the *ACT Community Housing Funding Review*. This document and the Government's response to the funding review have been sent to community housing organisations and will be made available on the Department of Disability, Housing and Community Services website.

(3) No. The Government is committed to an efficient and effective community housing sector that maximises tenant outcomes within the $1.06m available in the CSHA.

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## Public service—SES positions (Question No 1208)

**Mr Pratt** asked the Chief Minister, upon notice, on 24 August 2006:

Regarding SES positions in the ACT Public Service:

(1) Following the ACT Budget, how many SES positions in the ACT Public Service, where permanent contracts were in place, have now been amended;

(2) How many of these amended contracts have become temporary positions;

(3) How many of these amended contracts have become acting positions.

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

(1) The ACT Public Service does not offer permanent contracts for ACT executives, but rather long-term (up to five years) and short-term (less than two years) contracts. In the context of a broad range of machinery of government and organisational change processes, there are a number of changes to executives holding long-term contracts. The number of executives on either long-term or short-term contracts has decreased by two from 148 to 146 since the June 2006 Budget.

(2) Long-term contracts are not amended to become 'temporary'.

(3) There are currently 45 short-term contracts in place in the ACT. This reflects a range of factors: back filling a vacancy as a result of leave arrangements, interim organisational arrangements, and short-term projects. Given the nature of changes occurring in the ACTPS it is anticipated that numbers will continue to fluctuate in the next few months.

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