



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

19 OCTOBER 2006

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Thursday, 19 October 2006

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

Legal Affairs—Standing Committee Statement by chair

MR SESELJA (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Legal Affairs, performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee.

The scrutiny of bills committee considered the Human Rights Commission Amendment Bill and agreed to the following statement: this bill would amend the Human Rights Commission Act 2005 to abolish the position of President of the Human Rights Commission and remove all references to the president. The committee has examined the Human Rights Commission Amendment Bill 2006 and offers no comment on it.

Health Legislation Amendment Bill 2006 (No 2)

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (10.32): I move:

That this bill be agreed to in principle.

The proposed Health Legislation Amendment Bill (No 2) has been developed following three unrelated matters: one, consequential amendments arising out of the transfer of the health professional registration legislation to the Health Professionals Act 2004; two, amendments of health legislation for the purposes of consistency with the Human Rights Act 2004 and, three, other minor health portfolio amendments that are not suitable for a separate bill or for inclusion in the Statute Law Amendment Bill.

The Health Professionals Act 2004 requires the development of profession specific schedules to replace the current health profession registration acts to enable the new legislative framework governing health professions in the ACT to take effect. The consequential amendments proposed in the first category of amendments in this bill are associated with this transfer process. For example, in separating the nursing profession from the midwifery profession, consequential amendments were required to include midwives where ACT legislation previously referred only to registered nurses. These consequential amendments do not involve any substantive changes in responsibility or scope of practice.

Other consequential amendments included in the bill are required to ensure that provisions in current health professional acts that do not relate to health professional

standards are not lost when the remaining health professions are transferred to the Health Professionals Act 2004 later this year. Examples of these type of amendments would include the relocation of inspectors' powers regarding the supply, storage and recording of medicines; restriction on prescribing and prescriptions and the use of vending machines to dispense medicines, which are currently located in the Pharmacy Act 1931. Again, I emphasise that the relocation of these provisions are consequential amendments and do not involve any substantive change in the intended scope or application of these powers.

However, included in these amendments is an amendment to extend by two years the expiry provision of part 15 of the Health Professionals Act 2004. Part 15 includes all the transitional provisions that are important for the smooth transfer of health professional regulation in the ACT. For example, these transitional provisions are necessary to ensure that health professionals registered under the current registration acts continue to be registered under new profession-specific schedules.

These transitional provisions are particularly important in the situation where disciplinary proceedings have already commenced against a health professional but have not been completed by the time of transfer of the profession to the new regime. The transitional provisions safeguard any action taken under the current registration act and avoid the unnecessary duplication of having to convene new proceedings.

It is therefore very important for the protection of the public that the transitional provisions contained in part 15 do not expire on 18 November 2006. It is anticipated that this bill will be debated in the first sitting week of November and, if passed in that week, would commence before 18 November. However, in the event that this bill is not passed by the required date, I put on notice that the government will move amendments to this bill to include a retrospective commencement date for the two-year extension of part 15 transitional provisions in order to overcome the timing issue.

While this is not the preferred course of action, I am advised that a retrospective commencement date in these circumstances is available to the government under section 76 of the Legislation Act, provided that the retrospective commencement of the extension of the transitional provisions is non-prejudicial. To be non-prejudicial the retrospective commencement must not operate to the disadvantage of a person by adversely affecting the person's rights or imposing new liabilities on the person. As the retrospective commencement would, if we used it or needed to use it, be reinstating the previously existing situation regarding the transitional provisions, it could not be construed as adversely affecting a person's rights or creating new liabilities.

I move to the second category of amendments addressed in this bill, which are amendments to the health legislation for the purposes of consistency with the Human Rights Act 2004. The Monash University Castan Centre for Human Rights Law was contracted by ACT Health in January 2005 to conduct an audit of legislation for which ACT Health has administrative responsibility for consistency with the Human Rights Act. While the majority of inconsistencies were considered justifiable in terms of human rights, the audit identified some pieces of legislation where inconsistencies were unjustified in terms of human rights and therefore required amendment for the purposes of consistency.

Some of the pieces of legislation affected are the focus of planned legislative reviews—for example, the Mental Health (Treatment and Care) Act 1994. As the Castan centre advice will be considered in the scope of these individual reviews, these particular pieces of legislation are not covered by this bill. However, the amendments recommended by the review which are covered in this bill involve the following pieces of legislation:

- The Gene Technology Act 2003, where amendments have been made to shorten the current warrant period, under section 172 (4) (c), granted for the inspection of premises by inspectors for the purpose of monitoring compliance with this act.
- The Public Health Act 1997, in order to minimise the implications, primarily in respect of a person's right to privacy under section 12 of the Human Rights Act. Amendments have been made to the Public Health Act to:
 - (i) limit inspection powers under section 76 (1) (b) (i), so that entry is only authorised with the consent of the occupier or in accordance with a warrant;
 - (ii) have the powers relating to notifiable diseases under sections 100 and 101 constrained by the designator's "reasonable belief that such declarations are necessary in the interests of maintaining public health";
 - (iii) constrain the minister's power of notification in respect of notification of notifiable diseases in section 100 by reference to "reasonable grounds" and "the necessity to protect public health"; and
 - (iv) clarify that detentions under section 116 dealing with public health directions implementation that have been enforced otherwise by a court must be reviewed within 48 hours, unless a person subject to the direction consents.
- The Public Health Regulations 2000, in order to minimise implications in respect of a person's freedom of expression under section 16 (2) of the Human Rights Act. The minister's power in section 51 (2) to prohibit the advertising or supply of a drug, article or apparatus that the minister believes is injurious to life or health has been amended to require the minister's belief to be reasonable.
- The Food Act 2001 and the Health Professionals Act 2004 have been amended to include specific reference to another territory law or another law applying in the ACT where another act is referred to. This is necessary to ensure the protections provided by the Commonwealth Evidence Act 1995 apply to the administration of this act.
- The Sexually Transmitted Diseases Act 1956 and the Tuberculosis Act 1950 have been repealed and the relevant provisions within the Public Health Act 1997 have been relied upon.

The third category of amendments relates to other health portfolio amendments that were not suitable for a separate bill or, as I said, for inclusion in the Statute law Amendment Bill. They include:

- In the Health Professionals Act 2004 a power to allow the Health Professionals Tribunal to award costs in appropriate circumstances;
- In the Health Professionals Act 2004 an amendment to protect a health professional from being directed or incited to engage in unprofessional conduct;
- In the Gene Technology Act 2003 amendments have been made to section 194 to allow the ACT to rely on the independent review of the operation of the act conducted by the commonwealth to satisfy the requirements for an independent review of the corresponding ACT legislation;
- In the Health Professionals Act 2004 an amendment to section 43 to allow the presidential member of the tribunal to select a person from a list of health professionals approved by the minister to sit on the tribunal and to make clear that lay members of the tribunal are only appointed for the duration of a hearing;
- In the Health Professionals Act 2004 an amendment to section 14 to list the health professions regulated by the act;
- In the Health Act 1993 an amendment to ensure that the retrospective approval of medical facilities to undertake pregnancy terminations made under section 30D are valid;
- In the Health Professionals Act 2004 an amendment to section 58 to allow the presidential member to order that a person undergo a stated medical, psychiatric or psychological assessment at the preliminary hearing stage;
- An amendment to principle 12 of schedule 1 of the Health Records (Privacy and Access) Act 1997 to allow for the consumer to be provided with their health record or a copy of their health record as well as a summary of their health record when transferring to a new health service provider or from one health practice to another;
- In the Health Professionals Act 2004 an amendment to various sections to allow the president of the tribunal to continue to hear a matter in the absence of any of the lay members of the tribunal and to allow the presidential member a casting vote in any decision it makes;
- An amendment to the Health Professionals Act 2004 to reduce by one the number of lay members on the tribunal and to allow the president of the tribunal, a magistrate, to represent the community expectations in the tribunal; and
- In the Health Professionals Act 2004 an amendment to section 59 to allow the presidential member to order a warrant for a witness to attend proceedings brought under the act.

One of the main reasons for putting forward this bill is to make amendments to existing ACT Health legislation for the purposes of ensuring legislative consistency with the Human Rights Act. In addition, the consequential amendments arising from the transfer of the health professional registration legislation to the Health Professionals Act 2004

and the other minor health portfolio made in this bill are primarily to enhance the operation of health and professional registration regulation in the ACT and to ensure a smooth transfer of health professional registration to the new health professional legislative framework. I commend the bill to the Assembly.

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

Children and Young People Amendment Bill 2006

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (10.44): I move:

That this bill be agreed to in principle.

I present the Children and Young People Amendment Bill 2006. As members will be aware, the government has been undertaking a comprehensive review of the Children and Young People Act involving extensive community input. In March this year the Assembly passed the Children and Young People Amendment Act 2006. That amendment act was the first stage of a reform process that will ultimately see a complete rewrite of the act. This rewrite is well under way, with extensive community consultation occurring earlier this year between January and March. I will release an exposure draft of the bill for consultation later this year.

The bill that is before members today will effect a number of changes. The first of these is to remove two sunset clauses relating to, firstly, the exemption of work experience from the employment chapter and, secondly, the power to make standing orders for the youth detention centre.

The Children and Young People Amendment Act 2006 exempted work experience arrangements from the employment provisions of the act until 30 December 2006. This was to allow for detailed consideration of the policy matters related to work experience. This work has occurred and will be presented as part of the exposure draft of the larger rewrite bill.

In the meantime it is necessary to remove the sunset clause so that work experience programs for young people aged under 15 years can continue without interruption before the provisions are updated. The existing standing orders at Quamby Youth Detention Centre have been reviewed in the light of contemporary procedures and human rights requirements. These will be presented to the ACT Legislative Assembly as disallowable instruments shortly. The removal of the sunset clause will enable the existing standing orders regime to stay in place for the Quamby Youth Detention Centre and allow sufficient time for adequate legislative provisions to be established for the new youth detention centre in 2008. I commend the bill to members.

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

Statute Law Amendment Bill 2006 (No 2)

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) (10.47): I move:

That this bill be agreed to in principle.

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

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

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

This statute law amendment bill deals with three kinds of matters. Schedule 1 provides for a minor, non-controversial amendment proposed by a government agency. Schedule 2 contains amendments to the Legislation Act 2001 proposed by the parliamentary counsel to ensure that the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of legislation. Statute law amendments bills may also include a fourth schedule that repeals redundant legislation. However, a fourth schedule is not included in this bill.

The bill contains a large number of minor amendments with detailed explanatory notes, so it is not useful for me to go through them now. However, I would like to draw members' attention to several matters. Schedule 1 amends the Public Sector Management Act 1994. Existing provisions within the act limit the circumstances in

which certain people who are members of a superannuation scheme under the commonwealth Superannuation Act 1976 or commonwealth Superannuation Act 1990 may be retired on the grounds of invalidity. The amendments bring the structure of these provisions into line with current drafting practice and include provision for people who are members of the Public Sector Superannuation Accumulation Plan, or PSSAP, under the commonwealth Superannuation Act 2005.

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

The amendments in schedule 2 include an amendment of section 227, which deals with the application of division 19.3.3 of the Legislation Act. The division is about consultation with Legislative Assembly committees on appointments made by ministers to statutory positions. Existing section 227 (2) (b) excludes the appointment of a person to act in a statutory position for not longer than six months, unless the appointment is of the person to act in the position for a second or subsequent consecutive period. The amendment extends the exception to short-term, one-off substantive appointments. This is in keeping with the approach taken elsewhere in part 19.3 of treating substantive and acting appointments in the same way as far as possible.

Schedule 3 includes amendments of acts that have been reviewed as part of an ongoing program of updating and improving the language and form of legislation. A particular focus of this bill is the creation of dictionaries in a range of acts. This review is part of an ongoing program of updating and improving the language and form of legislation.

In addition to the explanatory notes in the bill, the parliamentary counsel is also available to provide any further explanation or information that members would like about any of the amendments made by the bill. The bill, while minor and technical in nature, is another important building block in the development of a modern and accessible ACT statute book that is one of best practice in Australia. I commend the bill to the Assembly.

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

Territory Plan—variation 256 Kingston Group Centre

DR FOSKEY (Molonglo) (10.53): I move:

That this Assembly, in accordance with subsection 29 (4) of the Land (Planning and Environment) Act 1991, rejects Variation No 256 to the Territory Plan—Kingston Group Centre Part Section 22.

I have moved this motion to reject variation 256 to the territory plan because it does not provide the promised buffer to nearby residents from growing late night and early morning activity. I am aware that if this motion is successful there will be actually less protection for local residents in the short term and the onus will be on the government to

act quickly. In a fit of pique, of course, the ACT government could simply support this motion and do nothing. However, I think that would be entirely unconstructive; I also believe it is highly unlikely.

This amendment comes about due to commercial pressure to open up the east side of Jardine Street for bars, restaurants and other night-time activity. While those activities were not prohibited at the time under the territory plan, as the AAT has found, Jardine Street has, until recently, been the province of banks, financial services and the occasional antique shop and art gallery. The obvious shift away from purely specialty shops with normal business hours operations on the eastern side of Jardine Street prompted the Minister for Planning to acknowledge in discussions with residents that there is a need to provide buffering for adjoining residential properties as exists elsewhere in Kingston.

The draft variation 256 to the territory plan was released in 2005 and was promoted as providing that buffer between residential and commercial entertainment areas in the Kingston Group Centre. The overwhelming majority of responses made to the draft variation were that it did not go far enough and that allowing for restaurants, even with constrained hours, would greatly increase the impact on neighbouring residences that the kind of controls that exist on similarly located Kennedy Street would prevent.

Indeed, residents have advised me that it was that inequity between the allowable activities on the far side of Kennedy Street, as opposed to the wide range of permitted businesses on Jardine Street east, that the planning minister first acknowledged. I want to stress that, because the planning minister did acknowledge that inequity. The residents actually felt that there was an implicit understanding in there and perhaps a promise.

As it happens, this final variation provides even less protection for the residents. While the explanatory statement to the variation states that the minister instructed ACTPLA to prepare the draft variation due to concerns raised by the residents of Kingston, somewhere along the lines of communication and responsibility the minister's instructions appeared to have got lost and to have morphed into a half-baked instrument which tries to satisfy everyone but which actually does not solve anyone's problems.

The variation achieves these ends by banning, among other things, drink establishments and indoor entertainment facilities. But no attempt has been made to address the anomaly of the Belgian Beer Cafe, which clearly is a drink establishment, the location of which is inappropriate and which does, and will continue to, inevitably generate the kinds of noise and drunken behaviour problems that so often accompany places dedicated to the consumption of alcohol. How often have we heard members of the opposition railing about the noise and disorder in Manuka, which happens late at nights, usually related to alcohol induced behaviour. However, the drinking establishments in Manuka are not just outside people's bedroom windows.

By allowing restaurants to operate at all hours along side the beer cafe, it is inevitable that a wide range of night-time and drinking activities will grow up. The fact that some establishments are required to serve food as well as drink will make little difference in the long term when it comes to staying late and having fun, although the level of waste that will need to be frequently cleared will grow. I support the residents' request that the minister and ACTPLA honour their clear commitments to the residents of Kingston. The

Greens are calling for the same protective measures that apply on the other side of Kingston Group Centre where businesses are restricted to normal business hours of operation. It is about equity.

Noise will be an issue here, and that is acknowledged in the variation that specifies noise abatement plans for all future business and activities. However, I do not believe the approach that the government has taken makes sense. For instance, noise is to be handled through the residents making complaints and then the appropriate authority coming out and acting on these complaints. This is hardly a preventative measure. It puts residents in the position of being complainers, which is not something that people generally choose.

The whole thing about planning is that it is a tool to prevent that sort of thing. It is a tool to manage public and private areas. It is a tool that should be used to make sure there is an appropriate buffer between those things. If we are committed to making our neighbourhood centres—and Kingston was once just a neighbourhood centre—more lively, then we really have to bite the bullet on this and not close our eyes to pre-existing arrangements where residents bought houses believing that they were in one situation and then, due to a change in planning laws, find they are in another and then find that they are blamed for complaining about it.

Of course, it has been suggested by government, by the few businesses who are pushing for more opportunities in this place and by a few media commentators—and an interview I did on the ABC really pushed this—that this is all about vitality, that Canberra is growing up and we all want to have more fun in the streets, eating and drinking and so on, and that people who do not like these changes in Kingston ought to get over it or get out because, after all, there are lots of quiet suburbs elsewhere in Canberra.

This is a facile and unreasonable attack on Kingston residents who have been there for up to 30 years. It presumes that vibrant shopping life cannot be sustained in Kingston unless it reaches across the other side of Jardine Street, that the 30 restaurants and bars that are already there and the numerous ones about to go into the Kingston Foreshore development are not enough and that being the centre of an intense residential zone does not qualify local residents for the kind of shopping centre that actually provides the kind of services that people who choose to live within walking distance of a neighbourhood centre—something that I believe underpins the Canberra plan—want.

I have on other occasions argued in favour of supporting and encouraging a vibrant cultural environment. These include promotion of schemes to support live music and comments on business and resident attitudes in the context of pressure to shut down Toast, which is a very popular venue among young people quite close to the Waldorf Hotel and discussion of the demise of the Gypsy Bar. In these cases, it was the entertainment businesses that went because the residents complained, so there are other inequities involved here.

But the question of balance really needs to consider the existing environment and the amenities that exist in the suburbs that people have moved to. Gypsy Bar and Toast are in the city. People moving into the city should know what they are in for. Should they be able to move into a pre-existing environment and then have the nerve to complain about things that are already there? I think it is a great pity that the Gypsy Bar went. It was an important venue for young people. Young people complain, I think rightly, that they are

often overlooked in the planning of this city. They are planned out, so to speak. We are seeing an inconsistency here that I am really hoping to see explained or dealt with.

People moving into such an environment in the city context should know what they are in for. They should make sure that their homes are soundproofed sufficiently for the context. They may move there because they like that liveliness. What is happening in this part of Kingston is quite different.

I am using this speech as an opportunity to call on the government to implement the recommendations of the planning and environment committee, which call for a provision limiting commercial deliveries and waste collection—both these activities usually involve large trucks and inevitably mean a lot of noise—to between the hours of 7 am and 7 pm in section 22. I know that members would not be impressed and would do something about it if industrial waste trucks started rolling up within metres of their bedroom windows or their children's bedroom window before 7 am and after 7 pm. I cannot imagine they would consider it reasonable if it was happening to them.

In that context I should remind the Assembly that the existing core commercial area of Kingston includes a dedicated service access laneway. Businesses can be serviced outside business hours with minimum disruption to the residential amenity, and that is how it works. The contractors who service the existing shops on the western side of Jardine Street are presumably going to be the same people who supply businesses on the eastern side, and they will want to deliver products or collect waste at the same time on both sides of the street. You would not run a business any other way. The problem is that on one side the trucks are driven and parked behind a buffer of buildings a distance from residences and on the other side they pull up within metres of bedroom windows.

No noise abatement plan, which is the solution proposed by this variation, can address these problems unless the plan includes the use of electric trucks staffed by mute workers who wear moccasins and perhaps line their waste collection trucks with thick carpeting to muffle the sound of industrial waste skips being emptied into them and with their traffic reversing noise—that beep, beep, beep—illegally turned off. Does the minister or Neil Savery imagine that bartenders in Jardine Street are going to turn their tipsy or drunken patrons out on a spree that they should try to keep the noise down because it is very late and people are sleeping next door?

The most unfortunate thing about this variation and the response of government to the concerns that have been raised is the way it has cast the residents as complainers. In dealing with any issues that arise from what will be inappropriate development, there will not be real protection through the planning regime but simply more opportunities for residents to complain. To give a good example, while good planning can deal with antisocial activity that comes with drinking by ensuring that it is not facilitated in inappropriate locations, for example, ACTPLA has simply specified noise abatement plans that can be enforced only in response to ongoing complaints.

Finally, ACTPLA in all its responses to the concerns raised in the consultation period has never truly addressed the mixed shopping needs of local residents. So much for extra walkability if it is only bars and restaurants that you can walk to and stagger home from. I suspect that it suits the government and ACTPLA to demonise residents. In this case I believe the arguments of business held sway because that is the way the government

wants to do it. I believe it is a misconceived approach. I urge the Assembly to reject this variation and for the government to instruct ACTPLA to prepare amendments to it to ensure that local residents are not disadvantaged on the basis of an obsession about encouraging more of the same in the mistaken belief that beer and coffee is simply shorthand for cultural vitality.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.07): The Kingston Group Centre is one of the oldest group centres in Canberra. It was developed in 1924 and serves all inner south Canberra suburbs and other parts of Canberra through its entertainment and leisure services.

Redevelopment in the surrounding Kingston neighbourhood since the early 1970s has resulted in a significant change of dwelling form from single dwellings to multiunit apartment developments. This change in dwelling form has resulted in the formation of a community with changed socioeconomic and demographic characteristics, and this has also affected the business mix of the centre. Draft variation 256 was prepared in direct response to community concerns regarding the potential for the intensity of some activities to have an adverse impact on the surrounding neighbourhood.

It is worth noting that club and drink establishment uses have been permitted in section 22, along Jardine Street, since the introduction of the territory plan in 1993. Until draft variation 256 was released, lessees have had the right to apply for a lease variation to allow these uses since the commencement of the territory plan in that year, 1993. This is not a new provision.

In 2004, I instructed the ACT Planning and Land Authority to prepare a draft variation to create a buffer between potentially conflicting land uses. This has been achieved by changing the policy for the area to precinct B, which is designed to act as a buffer between the retail core in precinct A and the adjoining residential area. This is consistent with the approaches taken at many other local and group centres in Canberra. Precinct B was extended to cover those blocks in section 22 that were previously part of the retail core.

The draft variation sought to address issues arising from Kingston's transformation over recent years into a group centre with a significant leisure and entertainment focus and the impact that this was having on adjoining residential areas. The major changes proposed in the draft variation are new precinct boundaries that do not allow club, drink establishments, service stations and indoor entertainment facilities in the area abutting the residential areas. That means that you cannot have a nightclub, you cannot have a bar and you cannot have other types of clubs or any sort of indoor entertainment activity facility in that area.

Restaurants continue to be permitted, provided that a noise management plan is prepared. Noise management plans will need to demonstrate compliance with noise standards that apply throughout the ACT through the Environment Protection Act 1997.

The draft variation was released for public comment on 3 March 2005, and a total of 25 written submissions were received. The main concerns raised in those submissions related to noise, opening hours, personal safety and car parking problems. Other

comments related to fears that additional restrictions on land use would have a detrimental impact on the area's activity and opportunity for use. Those were the two issues. On the one hand, residents were rightly concerned about the need for a greater range of restriction on use but, on the other hand, other users of the centre were concerned that this proposal could limit uses in ways that were previously allowed. The issue was one of achieving a balance.

The exhibited draft variation was revised in response to submissions and discussions with other ACT agencies. The amendments to the draft variation are necessary, as the imposition of hours of operation by the ACT Planning and Land Authority through the territory plan were very difficult if not impossible to enforce through the planning system. The requirements for a noise management plan will ensure that, once a plan is endorsed, it will place regulation of any breaches with the appropriate government agency which has the skills and the resources to monitor any potential breaches, the Environment Protection Authority. The Liquor Licensing Board also has within its disciplinary powers the ability to limit the hours of trade of licensed premises if it believes that is appropriate.

The common terminology for the definition of restaurant in the territory plan has been deleted to avoid any association with activities commonly related to alcohol consumption, such as a brasserie or bistro.

The changes to precinct boundaries and additional land use controls are considered a good outcome for establishing a buffer between the commercial centre and residential properties and for providing the most effective means of regulating some business activities in the precinct.

There were also further opportunities to comment on this issue during the public consultation conducted by the Standing Committee on Planning and Environment during its deliberations. A site inspection was held by the committee on 11 April this year, and a public hearing was held on 16 May. Similar concerns and objections to those received by ACTPLA itself were received during this process. The planning and environment committee issued its report in May 2006. It supported the proposed policy change to land use. The committee itself acknowledged the fact that the territory plan has permitted entertainment land uses in Jardine and Giles streets since it took effect in 1993.

In response to Dr Foskey's motion to reject the variation, it should be noted that this will have the effect of reverting the land use policies to those which the surrounding residents expressly raised concerns about, allowing clubs and drink establishments to operate along Jardine Street.

There is no doubt this is a difficult issue—a difficult issue for residents and a difficult issue for the government—but Kingston is a centre that serves more than a local neighbourhood purpose. That is the nature of the place and it is one of the reasons why so many Canberrans value that place as a place to visit, to use, to enjoy and to meet friends and family and so on. It is not the government's wish to change the nature of that place or revert it to a place that it was, perhaps, when it was simply a local neighbourhood centre servicing its local neighbourhood.

I appreciate that residents in the areas adjacent to the Jardine Street premises still have concerns. But I have to honestly say, as planning minister, I believe we have achieved the appropriate balance. We cannot prohibit uses which, by any stretch of the imagination, are reasonable uses in an area of such intense residential and retail activity. Restaurants and cafes, by their nature, are not the very loud and noisy uses that you would have compared to, say, a bar or a nightclub.

I note Dr Foskey in her comments said, “The government should do something about the Belgian Beer Cafe.” Unless Dr Foskey is suggesting that there is some compulsory acquisition of that property right granted for the owners of the Belgian Beer Cafe, I doubt there is very little the government can do. I do not think Dr Foskey has mounted any cogent argument as to why the government should go back and retrospectively take away an approval granted and reviewed by and upheld by the AAT in relation to that particular premise.

We are able to ensure that further premises such as the Belgian Beer Cafe are unable to have the opportunity to be put in place along that Jardine Street area. And that is what we have done. Restaurants and cafes are permitted. But drink establishments, nightclubs and other more noisy uses are now prohibited. That is a reasonable balance.

Living in an area like Kingston is not like living in a suburb such as Lyons, Chifley, O’Connor or Turner in that it is not a low-rise, single-dwelling neighbourhood with all the characteristics that you would have in a more suburban setting. Kingston is a more urban environment. It is deliberately planned that way. The redevelopment policies put in place by the NCDC in the 1970s and the 1980s encouraged those types of activities. It is deliberately designed to have higher densities. It is deliberately designed to have more people living close together. It is deliberately designed to have more activity. That is what Kingston is about. The uses that come with that and the consequences of that are that you have more noise than you have in a suburban environment.

I accept that some uses are not appropriate in the interface between the retail centre and the residential area. Those are the uses that we have moved to prohibit—bars, nightclubs, other establishments that generate large amounts of noise—but restaurants and cafes are a reasonable use along that interface. For that reason, the government thinks we have achieved the appropriate balance.

I know residents would like the government to go further. I accept that that is their strongly felt view—and I respect that—but I do not agree with it. I do not agree with it because Kingston, as a centre, has a range of diverse uses and should be allowed to continue in a reasonable way, whilst having regard to the most significant impacts that can be had by residents close to the Kingston Group Centre. The government will not be supporting this disallowance motion today.

MR SESELJA (Molonglo) (11.18): The opposition will not be supporting the disallowance motion. I will not go over all of the detail that Mr Corbell covered, but I comment firstly on the effect of this variation, and that is a big part of why we are not supporting it. The effect of the disallowance of this variation would be to allow bars and clubs and other similar activities to go on in this stretch of Kingston. That would obviously be of significant concern to the residents adjacent.

Dr Foskey said she has moved the disallowance motion so that the government can come back with something different. I am not confident the government would come back with something different, if it were disallowed by some chance anyway, but the end result of Dr Foskey's disallowance motion would be that you could have more bars and more clubs in that part of Kingston, which would obviously affect the amenity of the residents in the local area.

The proposed variation removes, as permissible land use activities in Kingston part 22, clubs, drink establishments, indoor entertainment facilities and service stations. That is a positive step. Since 1993, we have seen the ability to have bars and clubs in that area. To date, we have only seen one come up. If we did not have this variation, there would be the potential for many more. To that end, it certainly is something that is scaling back the permitted activity there. In our view, it is not scaling back activity in an unreasonable way but is still allowing for some important uses and the kinds of uses that people would expect in an area like Kingston.

This is a broader issue about finding a balance between both concerns. It is not just about Kingston. Even though we are debating Kingston today, we need to have a broader discussion about how we manage the desire for greater activity in our group centres, for increased densification in certain parts of Canberra, with the need to protect residential amenity.

To that end, the opposition will be developing policies with a broader focus that will help seek that balance and will have some broader policy framework for finding that balance between the legitimate desire of Canberrans to see places like the Kingston Group Centre flourish—most Canberrans would want to see that kind of activity and certainly restaurants and the like there—and the rights of residents to enjoy their premises in relative peace and quiet.

To that end, the planning and environment committee certainly took on board the concerns of the residents who appeared before the committee. We took those concerns very seriously, and that is reflected in some of our recommendations. Recommendation 2, in particular, related to waste collection, which was one of the common complaints that we got. We limited that to between the hours of 7.00 am and 7.00 pm. That is certainly a recommendation we put to government and is an important recommendation which limits some of the effect of activity in this precinct.

DV 260 also reflects that noise management plans are needed for restaurants that are in this area. Dr Foskey spoke about drunken behaviour and things like that. There are two things to say on that. One is that the Belgian Beer Cafe is the only bar that is there now and will be the only bar that is allowed on that strip. Certainly I would not support some sort of retrospective effect for premises that have already been approved or some sort of acquisition by the government. That would be a retrograde step. I do not know whether that is what Dr Foskey is advocating, but certainly that is something that is not going to change, regardless of what happens with this variation.

The second thing I would say is that I know that a lot of the residents were concerned about people late at night coming into the car park on that stretch. I do not think anything in this variation, one way or another, or even if this variation went further and banned

restaurants, would affect that, because that car park is used currently by people in Green Square, just across the road, who go to the Durham or to the other bars and restaurants in that area. So the noise and the effect on amenity are not affected in that sense. That car park, unless it were removed totally as a car park, which would obviously be a concern because there are not that many places to park close by in Kingston, will continue to be used.

How you manage the effect on amenity is a separate issue. I do not think it will make any difference whether you have restaurants on Jardine Street or not. There are people coming through that area and making noise late at night. That needs to be taken into account as well.

The other issue is that the noise from the restaurants will be managed. We will certainly be holding the government to account to ensure that there is not an adverse impact and that the noise management plans are sufficient to protect residents' amenity. That is crucially important.

One of the things that also came up in committee deliberations was that it did not seem clear, certainly when we questioned ACTPLA, how those plans were enforced. They said that it was in the area of the environment and that ACTPLA did not have any specific ability. But there did seem a bit of confusion amongst some of the agencies on how that was enforced and the triggers for that. I would like that clarified a little better so that these noise management plans are enforced and we can ensure that, if they are breached or if the noise starts to reach an unacceptable level in that area when new restaurants, if they do go ahead, come on line, that is properly enforced. We certainly want to ensure that there is not undue noise.

One of the big concerns, apart from waste collection, is the opening up of the back doors in the restaurants and currently in the Belgian Beer Cafe. That needs to be managed. That is a legitimate concern. Staff coming out there late at night or on their breaks or whatever can certainly have an impact on residents. That is something I am mindful of. It is something the committee was mindful of. That is something which we want to see the noise management plans take account of. They need to be enforceable. If we have restaurant operators down the track who are not complying with those noise management plans, we certainly want to see action taken.

We cannot support this disallowance motion. It would be, at least in the short term, a backward step. It would potentially allow bars and clubs. This strikes a reasonable balance. It is important that we enforce these noise management plans, that the recommendations of the committee are taken into account and that the noise that comes from waste collection is considered and limited to reasonable hours so that residents can enjoy reasonable amenity and not have their standard of living too greatly affected. We will not be supporting it, for the reasons put.

MR GENTLEMAN (Brindabella) (11.27): Variation No 256 proposes to introduce additional land use restrictions into the territory plan by extending the commercial group centre land use policy precinct B to include part of section 22 Kingston. As we have heard, clubs and drinking establishments had been permitted in the commercial part of section 22 since the territory plan was introduced in 1993. Although the original territory plan policies for the Kingston Group Centre were amended in 2002 as a result of

variation No 158, the changes in that variation did not alter the situation in relation to clubs and drink establishments.

The new policies in variation 256 will prohibit clubs, drink establishments, service stations and indoor entertainment facilities locating in that part of the group centre adjoining the residential area to the east. While restaurants will continue to be permitted in section 22, the variation will require the development applications to be accompanied by noise management plans, as we have heard, which must comply with the noise standards in the Environment Protection Act 1997 and must be endorsed by the relevant regulating agency.

We heard from the minister earlier about trying to hold a balance in regard to this variation. We have also heard from Mr Seselja. The planning and environment committee's report on this variation, at page 34, states:

Overseas planning and environmental cases suggest that in order for a human right to be found infringed, the interference has to be very substantial and not outweighed by other stakeholders' rights.

In *David Lough and Others v the Secretary of State and Bankside Developments Limited*, for example, the United Kingdom Court of Appeal held that the right to home and privacy is not absolute, and a balance has to be struck between the interests of persons affected, and the interests of other property holders and the community as a whole. Not every loss of amenity involves a breach of the right, and the reasonableness and appropriateness of measures taken by the public authority are relevant in considering whether the right has been infringed.

In that case a residents' group had challenged the planning permission granted for a 20-storey building having 28 dwellings, with shops and restaurants on the ground floor. Notwithstanding that the proposed development impacted on neighbours' privacy, access to light, and caused overshadowing and overlooking, the court recognised that other landowners also have a right to enjoy their property rights. The court held that a reduction in amenity does not automatically breach the right to home and privacy.

The court was influenced by the advantages that would flow from the proposed development, including the replacement of an unsightly building with a building of substantial design quality, the provision of sustainable residential development, the efficient use of previously developed land, the provision of affordable housing, and the potential contribution to the regeneration of this area of London, and found that these outweighed the impact of residential amenity. These satisfied proportionality considerations without a separate review of that having to be undertaken.

The court also held that loss of value of land to landowners caused by neighbouring developments did not constitute a separate or independent basis for alleging a breach of the privacy human right.

Variation 256 was prepared as a response to concerns raised by the community regarding the potential for the intensity of some businesses operating in Jardine Street to adversely impact on the adjoining residential area. I recognise some of the residents in the gallery this morning. Kingston is a rapidly developing area, with the Kingston foreshore development adding to medium and high-density residential development closer to commercial centres and major transport corridors.

In my view, this variation adequately addresses the community's concerns relating to conflicting land uses. It also pays due regard to the views and recommendations of the planning and environment committee's report. I support the variation in the form that has been tabled as it extends precinct B into the eastern side of Jardine Street and reduces the impact of noise-generating activities on the residential area of section 22 Kingston.

If this variation is disallowed, the situation will revert to the existing policies in the territory plan, which allow uses such as clubs and drink establishments in part section 22. This will present further opportunity for lessees in that section to apply to vary their leases, permitting those particular uses such as drink establishments that the concerned residents are objecting to. For this reason, I will not be supporting the proposed disallowance motion.

DR FOSKEY (Molonglo) (11.33), in reply: I thank Mr Corbell, Mr Seselja and Mr Gentleman for participating in this debate and for putting their views on the record, and I am very glad that they acknowledge the validity of the residents' concerns and that they recognise the complexity of issues involved. It is disappointing to me, of course, and no doubt to the residents, that each speaker has declined to support my motion for their different reasons. I just want to go through some of those reasons.

First of all, as far as I can see it, the issues are that the draft variation that the committee reported upon is significantly different, or different enough, from the final variation to elicit residents' concerns. It is my impression that the residents would have been reasonably happy if the draft variation, which is what was on the public record, had been adopted.

The second major issue is that question about equity between Jardine Street and Kennedy Street. Mr Corbell is entirely within his right to say, "Yes, but Kennedy Street had another zoning in the territory plan; it has a different designation." But the fact is that in practice it has had a similar sort of operation. There was the opportunity to formalise that operation and then this conflict would have gone away.

The residents, rightly or wrongly, heard the minister say that he recognised that inequity, and they thought that meant there would be some action and that the minister would talk to ACTPLA, which as we know is an independent authority but no doubt would take his advice, and that we would have seen something different. We would have seen the nexus between planning departments, governments and residents actually work.

We have got into a situation in this town where residents groups feel as though they never win; it is very hard for them to make an impact. Nearly every mechanism there was for them to be involved and to influence planning has gone. On my reading of the draft legislation, planning reform is going to make the possibility of influencing planning even more remote.

The residents actually did everything they could in all the statutory processes. They jumped through all the hoops, they went to meetings, they wrote submissions and they wrote letters. They did everything they could. And their arguments were sensible. I think it has been recognised by everybody here that we would have made the same arguments if the same thing was happening to us.

Mr Seselja's point was an interesting one: he could not support my motion because the government cannot be trusted to move, as they would have to have done, to protect the amenities, to go that extra step, because a return to the status quo is not acceptable. That is absolutely right. But why are we sticking with this idea that it is like this now, it is going to like that then. Governments are here to act, aren't they, and to protect, to balance things? That is another point. Mr Corbell used the term—it is a favourite one—"appropriate balance". It is such a meaningless term. In whose mind is it appropriate? What does "balance" mean? You can have a tonne of feathers and a tonne of lead. They still weigh the same but they look a bit different. I think that is one of those meaningless terms. It is not the same as equity. What we are talking about here is equity.

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

DR FOSKEY: In relation to the beer garden, I am not suggesting that the government buy it back or do whatever. It exists. It is an anomaly in that street, and in a way it was the beginning of the wedge which can mean either that there is going to be more establishments like that or it will remain there, and perhaps as a business. I do not know about its viability; I have no idea what its future is. Business is uncertain in this town, especially when there are so many competing establishments in the Kingston area, and I believe there will be more once the foreshore development really goes ahead.

But there are issues about enforcing the noise regulations there. Mr Seselja mentioned the staff. I can quite understand why staff might want to sit out the back but maybe they could sit out the front and have their cigarettes, their chat and their laughter, to which they are entirely entitled. We should make sure that the trucks and all those other beep, beep, beeping things do not run between seven and seven. It is a matter of enforcement. The damage is done—if we can call it damage; some people call it enlivening the community. As far as the residents are concerned that beer garden reduced their amenity.

A road is not a buffer zone. There are issues about the road. I thank Mr Seselja for his thoughtful analysis of the issues around that. It is a parking place and it is a service route, so maybe a little bit more thought needs to be given to it. But I do not believe that Mr Corbell did address one issue: his statements to the residents about Jardine and Kennedy streets. That is at the core of it all. There is an inequity here and it has not been acknowledged.

In conclusion, I thank Mr Gentlemen as the chair of the committee and I thank whoever did the work on his speech, which was a highly erudite recollection of a case in Britain. There are human rights issues here, I have no doubt. I have not explored them here but it was interesting and probably appropriate that Mr Gentlemen did. It is interesting that he is now endorsing the final variation when the variation that his committee dealt with was the draft variation, and I think it looked different enough for him to comment upon that but I did not hear it.

So, all in all, I have been told that this motion will go down. I will call a division. People in the community need to know where things stand on this kind of issue because, as Mr Seselja acknowledged and as I said in my speech, it will not be the last time that we

have an issue like this. I hope it is—it could be—but I suspect it will not. Thank you very much anyway for giving me the opportunity to represent the citizens of Kingston in this issue.

Question put:

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

The Assembly voted—

Ayes, 1	Noes, 14	
Dr Foskey	Mr Barr	Mr Mulcahy
	Mr Corbell	Ms Porter
	Mrs Dunne	Mr Pratt
	Ms Gallagher	Mr Seselja
	Mr Gentleman	Mr Smyth
	Mr Hargreaves	Mr Stanhope
	Ms MacDonald	Mr Stefaniak

Question so resolved in the negative.

Planning and Environment—Standing Committee Report 22

Debate resumed from 17 October 2006, on motion by **Mr Gentleman**:

That the report be noted.

DR FOSKEY (Molonglo) (11.46): One of Mr Corbell's staff asked why I had moved the procedural motion to have debate on this report adjourned so that I could speak about it today. People here might have discerned that I am extremely interested in planning issues, and one of the committees I would have liked to have been on, had I been given that choice, is the Standing Committee on Planning and Environment. I also believe that the legislation on planning and development reform is a key piece of legislation that is going to change the face of development in Canberra. I would like to have my remarks noted by the government in its response to the committee's report because I believe that in hearing my remarks the government is also hearing the remarks of a significant proportion of the community who are going to have to live with this legislation.

That said, I welcome the planning and environment committee inquiry into the exposure draft of the planning and development bill and its report. I respect the committee system in the ACT Assembly as it allows stakeholders to present their views in such a way that they are accessible to all in the Assembly. The report provides an invaluable overview of many aspects of the legislation and I thank the committee for it. I appreciate that ACTPLA conducted many information sessions prior to the development of the draft bill, and I attended many of those—enough to observe that the format and content of the sessions varied little despite the variety of fora at which the presentations were made, ranging from environment organisations to community councils.

I did not attend any of the information sessions presented to the building and development industries—for obvious reasons; I do not believe I was invited—and they may have been favoured by a different process. The reason I say that is that there is broad satisfaction in that sector with the legislation because that legislation appears to respond to many of their concerns. I say this without any reflection on the ACTPLA officers who conducted the information sessions. They impressed me with their commitment and their knowledge of the proposed changes. But I have certainly observed them becoming very weary of repeating the same information ad nauseam, which was observable at the session I attended as they began the new round talking about the legislation itself.

I cannot comment on the extent to which submissions from that first round of consultations were taken into account in the draft legislation, because those submissions were never made public. However, the suggestions in the submissions I received from community organisations do not appear to have been taken up in the draft legislation. I believe that the consultation process conducted by the planning and environment committee provides a forum for community and business sector organisations to present their views and be heard. However, it is a pity that due to the short time available for this inquiry the report is, of necessity, selective in the choice of issues it covered. I dwelt on the consultation process for this legislation in some detail because the consultation, deficient though I deem it to be, will be the last chance for the community to participate in decision making about planning in the ACT. That, indeed, is one of the major themes of the legislation.

I will now comment on recommendations in the report itself. Recommendation 1: I am disappointed that the committee, perhaps because of its government majority, did not require the territory plan to be a disallowable instrument. Given the lack of opportunity for public comment, it is more than ever crucial that the elected Assembly has a place in the process.

Recommendations 2 to 10: ecologically sustainable development received some attention from the planning and environment committee, appropriately. I note that ACTCOSS and the Commissioner for the Environment were both concerned that the legislation offers specific measures to achieve the social, environmental and economic aspirations of the people of the ACT. However, the conservation council felt that short-term economic and financial interests were prioritised over environmental and social concerns. Indeed, the planning legislation confirms remarks made by ACTPLA's CEO that social aspects are outside of his department's purview. There used to be a time when social planners were an integral part of ACTPLA.

Increasing the ability of the market—a term which is really code for developers and others with capital to invest—to influence residential and commercial development in the ACT is likely to be detrimental to the very qualities that have hitherto underpinned the territory's planning regime. Indeed, planning is the first major intervention available to governments to set the framework for the economic, social and environmental impact of any built development and of any society that lives in it.

As Dr Purdie pointed out, we will not safeguard sustainable development if we just “give regard” to it; we must give effect to it. I am pleased that the committee took the

Commissioner for the Environment's recommendations on board and revealed a mature understanding of the complexities of ESD. The recommendations on these matters undoubtedly will improve the legislation.

Recommendation 4 does not go far enough. ACTCOSS asked that "meeting" needs be specified. While it is good that the committee recommends dropping reference to "aspirations", it does not go so far as to include "needs". There is no doubt, as the committee points out, that the legislation increases the power of the minister and the executive. While we are assured that ACTPLA is an independent body, I have not often seen it taking a different tack from the minister or vice versa. By contrast, the Legislative Assembly's role is limited by this legislation. It is of concern that the useful analysis and opportunity for public participation in planning afforded by the current role of the planning and environment committee and other committees will be greatly reduced.

The six-month limit on a committee inquiry specified by clause 71 must be able to be extended as the committee recommends, and it makes sense that no decision should be made without the informed advice of its report. The Greens are concerned about the impact that this legislation will have on consultation with the community. Members are aware that Canberra citizens are more passionate about planning than are those in any other jurisdiction. Of course this can be annoying to ministers and bureaucrats, but to go to the lengths that this legislation does to reduce their input to planning decisions denies us the benefit of expert and local understanding. It is arrogant and it is undemocratic. I appreciate the committee's reminder of the time frame set out by the government's community engagement manual, but I would have also liked it to have recommended adherence to its processes as well as its time frames.

The committee discusses the restriction under the Land (Planning and Environment) Act placed on the standing of concerned people that they be materially affected, beyond economic or amenity. It is interesting to observe that submitters lined up predictably: the planning institute, the property council and the Housing Industry Association like it, while the conservation council, EDO, ACTCOSS and the Law Society of the ACT wanted restrictions relaxed. I wonder, with the EDO, where appeals on environmental grounds can be made.

I also have concern about environmental impact assessments—that their consideration will be reduced by the legislation. I note that ACTPLA itself will prepare a list of consultants and that consultation will be limited by the legislation. Many constructive suggestions were put forward by organisations, and the committee is to be commended on taking up some of these.

I am very concerned that the legislation is limited to recognising the Environmental Protection (Biodiversity Conservation) Act, as federal environment minister Ian Campbell has tabled a bill that will severely weaken the EP(BC) Act. I hope that the bar is not lowered as a result of that.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.56): I will take the opportunity to respond and make some brief comments on the committee's report. I do not want this to be regarded as a government response—a formal government response to the report will be

forthcoming later this year—but I thought it would be opportune just to make a number of brief comments.

This is a well-considered and well-constructed report and it seeks to identify those issues of most significant concern raised by a range of individuals and organisations with an interest in the planning system here in the ACT. I commend Mr Gentleman and his committee, Ms Porter and Mr Seselja, and the committee secretariat on the very intense period of work they have put into putting this report together and their ability to attract what was a very wide range of submissions. This report will certainly serve a very valuable purpose in further informing the government's development of the draft legislation.

The draft legislation itself is the most significant reform to planning legislation in the ACT since self-government. We have the opportunity to put in place the national best practice model for development assessment, and that is what we are doing. We will be the only jurisdiction in the country to have that national best practice model in place, virtually in its entirety, and that is a real step forward for the territory. I think all sides in this debate have recognised the value of that.

I want to restate what I believe is one of the fundamental principles that the committee has indicated it supports in its report: the notion that it is absolutely critical in a planning and development assessment system that maximum community input is gained early in the process in determining what the rules are in determining what the policy is for land use. That is fundamental to democracy, because land use is about granting rights from the collective, from the community as a whole, to individual property owners as to their ability to use that land and to get financial return from that land. That is where community involvement is most essential.

This legislation sets out very clearly that when it comes to policy setting the involvement of the community is crucial. What it also says, though, is that once the rules have been set, once everyone has debated that and a process that has involved the legislature, the executive and the community as a whole has occurred, that is the time we need to talk about how those rules apply and what are the opportunities to seek review of the detailed issues around the implementation and the application of those rules. That is where I think Dr Foskey's criticism comes in about removal of third party appeal rights and so on.

The government is proposing to remove third party appeal rights only where someone agrees to put forward a development application that is completely consistent with the quantitative requirements of the territory plan. So when someone says, "Yes, I will put forward a proposal that meets the quantitative requirements of the territory plan in all of its regards, down to the last detail," we are saying that that issue should not be subject to third party review because they have agreed to play it by the rules in a very explicit sense. I think that is a fair and reasonable approach.

What we are saying, though, is that where someone says, "No, we don't want to abide by the black-and-white quantitative measures that might be in a development code"—in a residential area, for example—"but we want to create a more innovative project, we want to push the boundaries a bit," the planning system can allow for that, the development assessment system can allow for that and those issues can be taken on board. That means that, because it is entering into an area of more subjective judgment, there is the

opportunity for other people to have their say and to seek a review of the specifics of that development proposal.

The issue is about whether or not people are prepared to develop according to a very objective set of rules and requirements or to develop in a more subjective environment that involves subjective judgments being made and where those judgments should be subject to some level of review. That is the framework we are essentially putting in place. I think that is a fair way of doing it. You can have a very objective set of rules that are very easy to abide by and that everyone understands and, if abided by, that should be the end of the story, or you can have a more subjective environment that involves some subjective qualitative assessment, and that's where some third party applications should take place.

Dr Foskey also made some comments about the issues around environmental impact assessment. I am really pleased that in the submissions given to the committee, and to the planning authority itself and the government through its own consultation process, environment groups, conservation groups, have said very clearly that this is a real improvement; that when it comes to environmental impact assessment this is a real step forward. I am very proud of that because the existing mechanisms we had for environmental impact assessment are very much a one-size-fits-all approach; they do not graduate up as issues become more complex and impacts become more significant. That is something that we have sought deliberately to change.

I am very pleased also to say that I have had very constructive discussions with the conservation council, in particular, and its member groups. The application of European Union prescribed minimum standards around the content of environmental impact assessments is also a matter that the government has given very close and favourable consideration to. So this legislation is a real step forward and I think the committee itself acknowledges that.

Another issue I would like to quickly raise in the time I have left to me is use as development. I note that the committee has raised this issue, and this is the primary issue that has been raised by what I guess you could call property interests in the territory and the various bodies that represent them. It is a complex matter. The government is not seeking to undermine rights granted in existing leases and we have absolutely no intention of in any way affecting the property rights of leaseholders who have purchased development rights or use rights within their existing leases.

We are seeking to achieve a streamlining of the leasehold administration and the development assessment process so that they work in a more concurrent and, as far as possible, in a single stream rather than in two streams. That, I think, has raised some issues of concern from the property industry. I am confident we can work those issues through and I can certainly indicate to the Assembly that it is a matter that I am continuing to work closely and speak with a range of people on as we move towards the introduction of this legislation later this year.

This report is a very important step. It comes on top of two very large-scale consultation processes conducted by ACTPLA itself, so this is the third round of extensive consultation that has occurred to date on this program. I would like to thank the team in ACTPLA who have done the work to date to bring this very large body of work to the

stage it is at today. There is still more work to be done, but we are now in the fortunate position of having a very well-worked-through model that can be further refined and which I am sure will be further refined once it comes to the Assembly. But it will present this territory with the best planning legislation and the most efficient system in the country and one that will serve the territory and its citizens well in protecting the amenity we have, protecting and enhancing the wonderful built environment we will enjoy in the city, and allowing for decisions about its future use and development to be made in a timely and well-considered framework.

MR GENTLEMAN (Brindabella) (12.06), in reply: I have already given a detailed comment on the committee's report so I would just like to thank the minister and Dr Foskey for their comments. But I must say that Dr Foskey's comments seem to be directed at the draft bill and not at the committee's report. Dr Foskey said that the report was selective, but I must say that I think this is the largest inquiry that this committee has done and the largest report; we had 48 recommendations in the report.

I would like to thank all of those who made submissions and, as the minister has indicated, the departmental officials for their work. ACTPLA came back twice for us for this report, which was good. Without further adieu, I commend the report to the Assembly and urge the Assembly to support the motion.

Motion agreed to.

Human Rights Commission Amendment Bill 2006

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

That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (12.07): The opposition will be supporting this bill because, as much as anything else, it gives effect to an announcement that will save us some \$400,000 in the budget, and that obviously is a good thing. I will say something more in a minute about how the government could save considerably more money for the benefit of the people of the ACT if it went a bit further and abolished the whole commission.

This bill basically seeks to make some structural changes to the Human Rights Commission. It removes the position of president from the commission so that every member of the commission will be a specialist commissioner. It will allow commissioners to decide how to manage the operations of the commission, thus negating the need for a president.

We also note that conciliation will be kept separate from the process of considering complaints by having it carried out by staff of the commission or by consultants engaged where appropriate. I have some concerns with that, although we support the thrust of this bill. The government needs to keep the consultancy costs to the absolute minimum because there is no point in it saving in one area, by abolishing the position of president and taking the number of commissioners from five to three, which is an admirable thing, if it is going to spend a lot of extra money on consultants, thus negating that \$400,000 it seeks to save. So we will be monitoring that very closely. We are, to an extent, taking the

government at its word that there will be some very significant savings in the budget; we hope that is the case.

It has always been our view, however, that the community can ill afford the level of expenditure by the Stanhope government on a human rights bureaucracy. Since the act started, I have yet to see any benefit to ordinary law-abiding members of the Canberra community from the Human Rights Act. Indeed, if anything, the people I have referred to it indicate that it has been unable to actually assist them with their problems, some of which I have mentioned before in this place and would seem to go very much to their human rights.

I have used an example before and I will use it again of a fellow who was an assistant manager at the West Belconnen Leagues Club when the regulations changed in November 2004—this was before we had a regulations adviser on the scrutiny of bills committee, so it probably was not picked up—to ensure that anyone involved as a member of the club who worked for the club and who had anything to do with gaming in their job could not play poker machines or have a flutter on the horses at the TAB and at the club, even after-hours.

This constituent of mine was an ordinary member of the club as well as working there. He was concerned about the regulation as he thought it effectively made him a second-class citizen in the club of which he was a member. It was also a situation that had not occurred before; it was a new regulation that had been brought in. He did not succeed in his discrimination case before the commission. I thought one of the sections of the Human Rights Act provided that everyone has to be equal, but, quite clearly, he wasn't and the act did not do anything to help him. It is a minor point, but the commission was unable to help him.

I have referred probably a dozen or so people to the commission and I cannot think of any instance where an ordinary person has been helped by the Human Rights Act. I am now getting some worrying indications—indeed, this is in the DPP's report—that the Human Rights Act is being used more and more to grant bail to criminals who otherwise would not have been granted bail. There are already implications that the act has been used in a number of instances for this and it looks like the operation of it might well be extended further in the criminal jurisdiction and used more, I would submit, to the detriment of law-abiding Canberra citizens. So we have an act that seems to benefit the rights of criminals, but there is no sign to date that it helps ordinary Canberra citizens availing themselves of the opportunity to have their rights protected in ways that are important to them.

The other classic example of this act has been the antiterrorist legislation. Although it may well be compliant with our Human Rights Act, it is far weaker than that in any other state or territory and it leaves the ACT very much exposed, according to Mick Keely from the AFP. That evidence was given before an Assembly committee and it has been reiterated a number of times. The only people it will benefit are would-be terrorists. I submit that it would be almost impossible to have them detained under the current act in the ACT because of the difficulties that police face in what they have to show to the court. In fact, in one instance I think it would be utterly impossible to show that detaining a would-be terrorist is the least restrictive way of preventing an act. One could think of probably hundreds and thousands of other ways that might be not quite so

restrictive that could be put up. So that is another example of where the Human Rights Act is disappointing and puts us in danger as ordinary law-abiding citizens. We continue to reiterate our view that there is no need for legislation such as the Human Rights Act in the territory.

That said, it is important to have legislation that works. If the government of the day passes legislation in the Assembly, it is important that it works. It is important, if we have to have such legislation, that the opposition make constructive suggestions to ensure that it is effective. What the government are doing here is an attempt to meet their budgetary requirement to save \$400,000. What they are proposing to do—to remove the position of president and have three commissioners instead of five—seems to be a good way of doing that; it is an efficient use of resources. But I will watch very closely how many consultants they use, because that is a way in which that \$400,000 saving could be whittled away very quickly. I would certainly counsel the government to make a maximum effort to achieve the budgetary saving of \$400,000.

It was one of the Chief Minister's pet vanity projects to have a Human Rights Act and our calls to have it abolished are hardly going to be taken on board by the government. But, while we will support the bill and will not be suggesting any amendments, I reiterate those points because I think a lot more money could be saved. If the government is serious about saving money, it does need to look at just how far this act is affecting the bureaucracy. I have heard instances, for example, of legislation with no possible human rights angle being delayed by several months. Some gaming legislation put forward fairly recently is a case in point. I understand that, because the bureaucracy had to go through and dot all the i's and cross all the t's and look at things like the Human Rights Act, it took about an extra couple of months of efforts by various officers.

All that costs money and the government is in a deficit situation and has budgetary problems. So, noting that the government will not get rid of its pet project, the Human Rights Act, I suggest that the very least it can do is look at further ways of saving money in this area and make sure it monitors very closely the use of consultants or anything like that; otherwise, this \$400,000 planned saving will be a mythical one.

DR FOSKEY (Molonglo) (12.16): The Human Rights Commission Amendment Bill 2006 may be setting up the commission for failure before it even begins. In his presentation speech, the minister went to great lengths to try to paper over the fact that the various human rights commissioners have had their collective budgets slashed by 50 per cent. It is telling that the minister spent the greater part of his speech defending these cuts rather than explaining the purposes of the new commission. I suppose it is a positive sign that the minister could at least recognise a range of the criticisms that the proposal would attract from reasonable people who are informed and involved in the area of social infrastructure and government accountability. Well, he got it right!

The minister said that I previously suggested that this was a case of the government stepping away from its commitment to high-quality, accessible statutory oversight services for the ACT. I did say it before and I will say it again. The fact is that this is not, as the minister asserts, simply a matter of seeking to get the best value for the community from the limited funds available. It is a matter of priorities. It is a fact that the reduction in funding for the Human Rights Commission is far, far greater than the reduction imposed on many other government agencies and functions. Regardless of the supposed

efficiency gains that will be delivered by slashing the executive staff of the commission by 40 per cent—that is by one commissioner and the position of president—similar so-called efficiency gains have not been demanded of all other government agencies; not that I am saying they should have been.

The overall budget of the commission, including the Children and Young People Commissioner, has been slashed from \$784,000 to \$384,000 in 2006-07, from \$798,000 to \$398,000 in 2007-08 and from \$806,000 to \$406,000 in 2008-09. That is a cut of 50 per cent to the whole commission by my reckoning. Deeds speak louder than words, minister. If overall public service expenditure had been slashed by 50 per cent, the electorate could take the government's excuses at face value, but it was not and they cannot. It does not really matter whether the decision to slash the commission's budget by 50 per cent was based on a conscious desire to avoid scrutiny; that is a political issue that the voters of the ACT will have to judge for themselves. The fact is that a reduction in scrutiny will be the result of this decision. Regardless of how it is packaged, a decision has been made that will limit the quantity of work that the commission will be able to perform. This decision will limit the ability of the commission to assist and advocate on behalf of the entire community.

But, of course, the greatest impact of these cuts will fall upon the most disadvantaged in our community. These are often the most politically and economically disempowered members of the community; their lack of political clout has been reflected in the disproportionate impact that they will suffer from this budget. I should say for the record that I am proud that the ACT government saw fit to institute these positions in the first place, and the opposition are on the record—and said it again today—as wanting to abolish the entire Human Rights Act.

One has to assume that these cuts were recommended by Michael Costello. This 50 per cent cut perhaps indicates the extent to which social justice has been rolled by the so-called economically rationalist focus of the Costello report. In his defence of these cuts, the minister said that the range of commissioners' functions will be retained. While that may be true in a limited semantic sense, the number of commissioners will not be retained, the funding for the commissioners will not be retained, the secretariat resources will not be retained and the scope of their inquiries will not be retained, because the workload will more than double from what is set out in the legislation that this bill is amending. Finally, in reality the range of the commissioners' functions will not be retained, because they will have only half the originally mandated time to address their respective functional ranges.

The minister says that by removing the president's position every member of the commission will now be a specialist commissioner. Well, sort of: two of the three commissioners will actually be specialists in two disciplines; perhaps the minister could have called them generalist specialists. I understand that the positions of Children and Young People Commissioner and Disability and Community Services Commissioner are being combined. These are two very different fields and it is almost inconceivable that a commissioner will be found who has equal expertise in both areas. I wish the government luck in finding such a person; I hope such a person exists.

The first major change that this bill makes is to abolish the role of president. One other commissioner position has been abolished and the previously independent position of

Children and Young People Commissioner has been combined with that of Disability and Community Services Commissioner. The Children and Young People Commissioner's budget has been slashed from \$392,000 in 2005-06 budget to around 20 per cent of that in 2006-07 as per the 2006-07 budget. Mr Corbell's media release of Tuesday states:

The decision to alter the structure of the Commission is consistent with a number of decisions made in this year's Budget to reduce expenditure on optional overhead expenses and to streamline administrative processes.

A 50 per cent cut in funding and a doubling of executive responsibilities does not sound like a mere reduction of overhead expenditures to me. Under what school of creative accounting do two executive positions come to be classified as mere overhead expenses?

The ACT Greens supported the establishment of the Human Rights Commission in 2005. We thought it sensible to co-locate the commissioners so they could share administrative functions, undertake joint work on areas of cross-sector importance and identify systemic issues across government and non-government service sectors. We supported the broad intention behind the initial legislation. However, we thought that that original legislation went too far in transferring responsibilities and decision making from individual commissioners to the commission as a whole. Decisions regarding resources were to be made by the commission as a whole, with the casting vote belonging to the president.

Under the new administrative arrangements it will be up to the remaining three commissioners to collectively decide in what manner resources will be allocated. It also appears that one commissioner can call a meeting, only two need to turn up to constitute a quorum and two out of the three commissioners are required to vote yes to get something through. Either way, the government appears to have set up a difficult system for deciding the level of resources the remaining three commissioners will receive.

I wonder how three generalist specialist commissioners will decide if a project of one commissioner, or one role performed by a dual commissioner, is more worthy of receiving funding than those of the other commissioners. Does this mean that the two commissioners looking after two portfolios will automatically receive more funding than the one commissioner who has only one portfolio? One can only imagine the internal debates that will go on inside one commissioner who has two portfolios. Perhaps the government should consider sending the new commissioners to a Greens school weekend to receive some training in consensus decision making! Difficulties with the proposed decision-making process could result in substantial delays in decision making and lead to conflict that might jeopardise the work of individual commissioners.

Looking at both models the ACT government proposed in 2005 and 2006, individual commissioners will lose considerable autonomy, compromising their capacity to set priorities, make decisions regarding commission-initiated investigations and provide reports to government. There are many examples of various governments with something to hide slashing the funding of ombudsmen and auditors to limit their ability to undertake self-referred investigations into systemic problems, so I am just asking: how much is that behind these cuts?

We agree that there should be consensus decisions made between the commissioners regarding the general shared administrative arrangements, but beyond that it is our view that the individual commissioners should retain responsibility for their respective areas of work and the resources they require, to enable them to balance their duties regarding receiving and conciliating complaints versus systemic investigation.

I wonder whether commissioners will be able to undertake the work they are required to undertake under this legislation, including receiving and attempting to resolve complaints; encouraging improvement in the delivery of services; promoting community discussion and providing community education and information; identifying, inquiring into and reviewing issues relating to the matters that may be complained about under this act; providing advice to the minister about inquiries, as well as undertaking work he has requested under a ministerial direction; and collecting information about the operation of human rights commission acts and related acts, and publishing that information. And let us not forget that they must collectively oversee the administration of the commission.

All I can say to the three commissioners is good luck, considering the wide range of tasks they are expected to undertake, the diminishing number of commissioners employed to do it and the limited resources they will be allocated. I wonder if the ACT government expects the commissioners to undertake in-depth analyses like the human rights audit of Quamby or to provide advice on antiterror legislation, or any other legislation that requires extensive human rights analysis, on top of their other duties.

I will be also interested to see if, once the individual commissioners begin work, there is strong evidence for their need to promote citizens' rights and examine issues facing groups of people, beyond the current outline, which restricts their ability to respond to complaints and examine issues related to service provision. I would like to hear from the government that there is a commitment to increase resources if the need is evident.

I would like to make special mention of the Children and Young People Commissioner—an election promise of this government—whose function is to be amalgamated with the Disability and Community Services Commissioner. The government's own report from extensive consultations with children was called *Listening to kids*, and that is exactly what a part-time commissioner will not have time to do.

On the subject of conciliation, my office received a briefing on this bill on Monday morning and, although I am glad that the minister saw fit to give his officials a chance to explain these amendments to us prior to his tabling of the bill, one day's notice of significant changes to social services and accountability infrastructures is woefully inadequate. During this briefing, my staff raised an issue about apparent incongruities surrounding the conciliation processes outlined in the bill. To start with, I have trouble with the concept that a commission of three people can meet and decide that one of their number will conciliate a complaint being heard by another of their number and that this process will be perceived as procedurally fair, let alone withstand the test of a legal challenge on the grounds of an appearance of bias.

The bill provides that the commission will act as an impartial third party, but it is hard to see how a first party can become a third party. It also misses the point that a party is

either an impartial third party or it is not. I would have thought that their impartiality or the appearance of their impartiality, which is crucial to public confidence in the complaints systems, is either an objective fact or a subjective judgment based on reasonable presumptions. Impartiality cannot be mandated for by legislation.

It could be that this arrangement will work beautifully; that will depend entirely on getting the right people in those positions, remembering that when one selects people one usually selects them according to their ability to meet the selection criteria, not for their ability to work with the other people who are being selected for other jobs. I think it may well be a bit serendipitous if that does work out, but I want the Human Rights Commission to work; I am not like the opposition. I do not believe that it has been given a fair go yet, and for Mr Stefaniak to say that it will assist criminals rather than ordinary citizens really misses the point of what the Human Rights Commission was set up to do. The Human Rights Commission, with its Children and Young People Commissioner and Disability and Community Services Commissioner, albeit thoroughly cut, is about preventing people from becoming criminals in the first place.

It could be that this arrangement will work beautifully, and if ever a trio of professionals should be qualified to cooperate in a collegiate and cooperative manner these commissioners should be those people.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

Emergency services—communications

MR STEFANIAK: My question is directed to the minister for emergency services. When the SES recently turned out to tackle high windstorm damage they were confronted by about 130 incidents and emergency tasks. Minister, why did you persevere with the digital data communications system FireLink when it failed to cope with 130 incidents the SES had to deploy to? Why did you persevere with it when the SES units had to abandon using it and instead had to fall back on their radio network?

MR CORBELL: I am not sure the date, the time or the incident Mr Stefaniak is referring to. If he were to tell me when that was, I would be happy to look at that.

There is a misconception in Mr Stefaniak's question. FireLink is not a radio communications system and it is not the primary channel for communications; FireLink is a data transfer system to transfer data on the geographic location of vehicles and other short text messages. It is not used for immediate dispatch or deployment of the SES, RFS or any other emergency service in the ACT. Nor is it used as the primary communication channel at any instance. To suggest that SES units are falling back onto some other form of communications is simply wrong. There is a primary communications mechanism; that is, the digital TRN radio in the case of the SES, or the VHF in the case of the RFS.

I am also advised that FireLink has been operating fully and effectively for the past month, which is very pleasing news indeed. I understand that that system continues to be

used by the RFS and the SES as a secondary means of communications for vehicle location, crew location and short text messages.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Minister, why has your government managed FireLink so badly given that it is two years late, it is well over budget and it still does not work properly?

MR CORBELL: As I have just indicated, it is working. It has now been working comprehensively for at least the past month. That is very pleasing. I look forward to that continuing in the future.

Alexander Maconochie Centre—rights of prisoners

DR FOSKEY: My question is to the Attorney-General and is in regard to the Alexander Maconochie Centre. The recently published drug, alcohol and tobacco strategy makes no mention of a needle and syringe program. However, yesterday you said that these matters were still being considered. The ACT government has also said that it will attempt to make the centre human rights compliant. Could you please advise the Assembly what advice or recommendations the human rights commissioner has provided to the ACT government regarding the need, according to human rights principles, to provide a needle and syringe program within the centre, as is provided to the wider public?

MR CORBELL: I thank Dr Foskey for the question. Issues on drug and alcohol programs in the prison are subject to a separate policy framework; that is, the corrections health policy framework, not the broader community framework. The corrections health framework has yet to be agreed by the government. The corrections health plan is still in preparation between my department and the department of health. That will continue. It is at the consideration of that plan that issues on alcohol and drug programs in the prison will be properly considered.

In relation to issues on human rights compliance, certainly it is the case that I have asked the human rights commissioner to give advice to my department and to the government as a whole on the issues of human rights and the provision of health services in the prison. That is a very important consideration when the government is at a point where it makes a decision about the types of drug and alcohol programs that are available in the Alexander Maconochie Centre. The human rights commissioner will assist in informing that decision. The government will consider the corrections health plan. It will be that plan which determines drug and alcohol programs in the Alexander Maconochie Centre.

DR FOSKEY: Minister, what findings has the government made regarding the risk to prison staff of a high proportion of prisoners having hep C and hiding needles that are shared versus the risk of prisoners having access to clean and personal needles kept in locations known by prison staff?

MR CORBELL: Again, these are issues which are part of the consideration of the provision of alcohol and drug programs in the prison. Those types of programs will be considered through the development and endorsement of the corrections health plan. The corrections health plan has not yet been endorsed by government. When it is, I am sure the government will be in a position to outline comprehensively its response on the full range of health facilities and services that are required in the AMC.

Schools—student numbers

MS PORTER: My question is to the Minister for Education and Training. The Australian Bureau of Statistics recently released data on birth rates in the ACT over the last five years. Minister, can you please inform the Assembly what these and other demographic data show and how this impacts on our education system.

MR BARR: I thank Ms Porter for her question. The new ABS data shows that the ACT has the lowest fertility rate in the country. Birth rates have averaged 4,170 per year over the last decade. In 2005 the figure was 4,206 births, up from 4,174 in 2004. However, this was well down from the 4,415 births recorded in 1995 and we know that it is well below the birth rates experienced in the 1970s, 1980s and 1990s, when our education system was designed and Canberra was undergoing periods of significant growth.

The ACT is experiencing a demographic shift. Our population is ageing and there are fewer people aged under 15 in the territory. Figures released by the ABS earlier this year show that over the last three decades the ACT has experienced a steady decline in the proportion of the population aged under 15 and a steady increase in the proportion aged 65 and over. In fact, since 1995 the number of children aged under 15 has decreased by eight per cent, from 67,800 to 62,400, whilst at the same time the population aged 65 years and over has increased by a whopping 45½ per cent from 21,500 to 31,300. We have also seen a similar increase in the population aged 85 and over.

In addition to this data, in August 2006 the ABS released school age population figures. That data shows a decline in school age population in recent years. Again, between 1996 and 2005 the number of primary school age children in the ACT decreased by eight per cent. There have been regional variances across the city, with the greatest decreases occurring in Kambah, Wanniasa, Chisholm, Kaleen and Monash. But there have been increases in the developing areas of Nicholls, Ngunnawal, Amaroo and Dunlop.

Overall, there has been a five per cent decrease in the high school and college age population. Again, we have seen regional variances, with the largest decreases occurring in Kambah, Yarralumla, Weston Creek, Wanniasa and Weston, yet we have recorded increases in Acton, Amaroo, Banks and Ainslie.

It is not news to anyone that the ACT is undergoing a demographic shift and that this is creating major challenges. It is a phenomenon that is occurring all over Australia. A recent article in the *Australian Planner* magazine by Mike Quirk entitled “Challenges of demographic change in Canberra” discusses some of these issues and notes that the ACT is experiencing an ageing of the population. Mr Quirk notes that the peak populations attained following the initial settlement of towns are extremely unlikely to be reached again and that this is a direct result of lower fertility rates and the different demographic profile of people moving into suburbs. He notes about some suburbs:

The regeneration taking place will not result in the same level of use of facilities that occurred when the suburbs were first settled.

Mr Quirk cites Woden, Weston Creek and Belconnen as current examples and also notes that Tuggeranong will replicate this experience as it ages. He goes on to say that, despite

the renewal in some suburbs, school populations are unlikely to approach past enrolment levels, resulting in substantial spare capacity in schools, and that “the long-term educational and financial viability of some schools in established areas is doubtful”.

Our public education system is under pressure as a result of this demographic shift and of changing expectations. Not only are there fewer children; 41 per cent of students now attend private schools and this trend is continuing. Our system is now about 30 per cent underutilised, equating to about 18,000 empty desks, and at the same time education costs are rising. Many of our schools have ageing infrastructure and, when combined with declining student numbers, they simply cannot be sustained.

These are significant and undeniable challenges and they are challenges the government has sought to address in proposing the largest reform of public education since self-government, backed up with a record injection of funding. In developing our proposal, the government has considered the needs of current students in our schools as well as the needs of future students, because the majority of children entering preschool next year will be in our school system until 2020. Our proposal is designed to ensure the sustainability of public education, both now and into the future, and we are determined to keep our system amongst the best in the world.

Emergency services—communications

MRS DUNNE: Mr Speaker, my question is to the minister for emergency services. Minister, you have assured this Assembly and members of the public that the emergency services primary communications systems are working properly—and you have just given similar assurances to Mr Stefaniak. In that case, why during the bushfire in the south of Namadgi last week did the bushfire brigades and SES units working there have significant difficulties in communicating with each other and with the rural fire service headquarters when using the TRN radio network and when using the FireLink digital data system?

MR CORBELL: Mr Speaker, I am not aware of the details of the communications in the fire in the south of the ACT in Namadgi national park around Mount Clear, but I would not be surprised to hear that the TRN did not provide full coverage. I am on the record already as saying that, in some of the more remote parts of the ACT, TRN is not able to give effective coverage at this time. Indeed, I was asked, I think, a couple of months ago whether the TRN would not be used as the primary communication channel for the RFS, and it was for exactly this reason: it does not give adequate coverage in some remote parts of Namadgi National Park. For that reason, VHF is used as the primary communication channel.

My understanding is that the channel designated for operations in the fire at Mount Clear was the VHF channel. VHF was the primary communication channel, and that is what was put in place for the management of that fire. So it is no surprise to me at all, if it is indeed the case as Mrs Dunne highlights, that TRN was not effective. It was not effective because we know, and have known for a number of months, that TRN does not yet give adequate coverage in that part of Namadgi National Park. That is one of the reasons why TRN is not designated as the primary communication channel and why the RFS continues to use VHF for this fire season as the primary channel.

MRS DUNNE: Mr Speaker, I ask a supplementary question. Minister, how have you managed since 2003-04 to spend approximately \$18 million on communications, especially on the TRN radio network, yet, after three years, it does not work successfully across the territory?

MR CORBELL: Mr Speaker, the TRN works extremely effectively across large elements of the ACT but, like any radio network—and VHF is the same—there are elements of the territory with which it is difficult to achieve coverage due to the nature of the terrain. I can assure members that the TRN works effectively in the built-up area, it works effectively in the bushfire abatement zone and it works effectively in many other areas outside the bushfire abatement zone around the ACT. TRN has given us a capability we did not have before, and that is interoperability with a range of the emergency services and interoperability with New South Wales services. That is one of the major recommendations of the McLeod review—a recommendation that we have implemented and which is giving us that interoperability with New South Wales.

Mrs Dunne and the opposition just need to check their facts a little on this issue. The explanation that the government has given about why TRN is not used as the primary communication channel has been up front from the beginning. It is not something we have sought to hide; it is not something we have walked away from. We have explained the technical constraints that we still face in some elements of the ACT. But TRN gives us very, very effective communication right across the built-up area, right across the bushfire abatement zone and right across many other parts of the ACT. There remain a few isolated elements where we still need to achieve effective coverage, and the ESA continues to work with the providers of the radio network in addressing that. We have not provided any additional appropriation for TRN in the most recent budget. It is working within its budget and it will continue to be rolled out until we are at a point where we have the level of coverage sufficient to make that the primary channel for RFS operations.

Mr Pratt: Well, the volunteers are peeved about it.

MR SPEAKER: Mr Pratt, I warn you.

Emergency Services Authority—headquarters

MR MULCAHY: My question is to the Minister for Police and Emergency Services. Minister, during question time on 15 December last year, your predecessor announced that the new emergency services headquarters precinct was to be established at Fairbairn, with some parts of the ESA to be moving into buildings as early as February 2006. Has the government begun paying for the new headquarters at Fairbairn under the lease agreement and are you still confident that, in light of the difficult budgetary position, you can afford to do so for the remainder of the lease?

MR CORBELL: Yes, elements of the ESA have already relocated to Fairbairn. The RFS have relocated to Fairbairn and that lease has been executed. The RFS occupy a building at Fairbairn which is used also as our air support operations centre. Payments are being made for that lease, and I have no reason to believe that we will not be in a position to continue to pay for that lease for the duration of its term. It is a relatively long

lease and the RFS are reaping the benefits of having a clear, designated headquarters for their own use.

MR MULCAHY: Minister, have there been any discussions between government representatives and the lessor at Fairbairn seeking to modify or terminate the lease?

MR CORBELL: The government continues to be in negotiations with the owners of the airport about the implementation of the remainder of the agreement. We have a heads of agreement with the airport to enter into individual leasing arrangements for a range of buildings. We have executed one of those leasing arrangements and we continue to finalise negotiations around the remainder of those leasing arrangements and options, and that is an important part of ensuring that we are able to get the headquarters we need within the price that the government has agreed to in that heads of agreement.

Emergency services—vehicle fleet

MR SESELJA: My question is to the minister for emergency services. Minister, on Tuesday, in response to a question from Mr Stefaniak, you said:

In relation to the overall maintenance of the RFS vehicle fleet, there is no doubt that elements of the RFS vehicle fleet are increasing in age, and that means that a higher level of maintenance and servicing is required to ensure that those vehicles maintain their operational readiness.

Why did the government fail to modernise the rural fire service vehicle fleet after the 2003 bushfires?

MR CORBELL: I do not know whether Mr Seselja has noticed, but we have, since 2003, made a significant investment in new vehicle capability for the RFS. The new compressed air foam system tankers that have been deployed to a range of volunteer brigades are evidence of that. I do not have the cost to hand, but it is certainly in the order of several million dollars for those vehicles. They are now operational within our RFS volunteer brigades and within some of the departmental brigades as well.

The overall age of the fleet is of concern to me, and when I became minister I asked for advice on aspects of that and what steps need to be taken to address that in a coherent and staged program that is sustainable and ongoing. That is something that I continue to work on as minister. I hope to be in a position to progress that when the government next considers resourcing for the RFS in the lead-up to the budget.

MR SESELJA: I ask a supplementary question. Minister, why did the government not ensure that essential repairs and maintenance were done over winter?

MR CORBELL: The ESA is given a budget. It is asked to work within that budget and to deliver. Its responsibility is to ensure that ongoing, everyday maintenance of vehicles is a task that is completed. The ESA have undertaken, and continue to undertake, ongoing maintenance of all vehicles in the ESA fleet, including the RFS fleet.

Housing

MR GENTLEMAN: My question is to the Minister for Planning. The *Canberra Times* on 17 October 2006 had a headline “Housing starts dive by 24pc, says HIA”. Can the minister clarify for the Assembly the state of new housing construction in the ACT and the outlook?

MR CORBELL: I thank Mr Gentleman for the question. I was concerned to see an article in the *Canberra Times* on 17 October this year which referred to a dive in housing starts. It is interesting that the HIA chose to refer to a category known as housing starts when the ABS uses a somewhat more bureaucratic but more comprehensive term called total dwelling unit commencements, which includes new houses—single homes, as we understand them—and townhouses and units.

When you look at the ABS statistics, you see the real picture. The real picture in the ACT is that the total of new housing starts in all categories has increased from 955 in 2004-05 to 1,043 in 2005-06, a nine per cent increase over the previous year and a far cry from the screaming headline of a dive by 24 per cent.

It is interesting to put this in the context of housing starts by year across the country. In New South Wales, housing starts declined by 18 per cent. In Victoria, they declined by 2.8 per cent. In Queensland, they declined by one per cent. In South Australia, they declined by 2.4 per cent. In Western Australia, not surprisingly, they increased by 18.5 per cent. In Tasmania, they declined by 7½ per cent. The Northern Territory saw an increase of 6.6 per cent. All of these are according to ABS data. The ACT saw an increase of 9.2 per cent, the second highest increase in housing starts in Australia for the 2005-06 financial year.

This is a very, very positive sign. It gives the lie to the headline “Housing starts dive by 24pc”. In fact, our increase in housing starts is the second highest in the country. We are one of only three jurisdictions that have seen an increase in housing starts in the last financial year.

Multiunit residential development declined in 2005-06. This is not surprising, given the long construction time frames involved in large multiunit developments. These commencements fluctuate from year to year. It also reflects a very significant number of multiunit building approvals in the previous year. With many of these projects still to be completed, we will see a significant addition to the supply of multiresidential units in the ACT in the coming 12 months.

I was pleased to see in the *Canberra Times* article that, despite the headline, the executive director of the HIA in the ACT believed that the outlook for the territory’s housing sector looked bright. I certainly agree with that. While other Australian states are heading for a downturn this financial year, the HIA is forecasting a 10 per cent growth for the ACT. It goes on to attribute a strong local economy and labour market as contributing to these very promising results.

The government is playing its part, too. In order to meet the demand for an increase in residential land, 1,200 dwelling sites will be released into the market in this financial

year, with 500 of those being offered for sale this calendar year. If members look at the *Canberra Times* every Saturday, they will see pretty much a land ballot sale every weekend between now and Christmas. That highlights the fact that we have a comprehensive program in place, rolling out land supply to meet this increase in demand.

In addition to the provision of these new sites, we can estimate that the supply of new residential land, including in the developers and builders pipeline, now stands at 5,660 dwelling sites. This, combined with the land already available in Gungahlin and the new land releases, certainly should be sufficient to meet the increase in demand now projected for the ACT—strong results for the ACT economy, strong results in the property sector and results we will continue to support through a comprehensive and planned land release program.

Emergency services—vehicle fleet

MR SMYTH: My question is to the minister for emergency services. Minister, earlier this week you were asked to table the memo detailing the status of vehicles in the RFS fleet distributed to RFS captains and volunteers. Distributed with this memo were a number of tables. You refused. Minister, these tables set out the status of vehicles operated by the Rural Fire Service, their call signs, their registration, their vehicle location, their vehicle type, the date of manufacture, and their scheduled replacement date. This memo and these tables identify 54 vehicles, of which 23 now exceed the replacement age profile based on national standards and, of those 23 vehicles, 14 exceed the agreed lifespan by more than 25 per cent. Minister, why has the government allowed 40 per cent of the Rural Fire Service fleet to exceed the replacement age profile? What action did you take to rectify the issue of vehicle replacement when you became minister?

MR CORBELL: The provision of new vehicles to the RFS is a major priority for me. Since becoming minister, I have discussed the matter on a number of occasions with both the previous ESA commissioner and the current ESA commissioner and also with the chief officer of the Rural Fire Service. I have made inquiry myself as to why the ESA chose in the past, when it was an independent authority, not to dedicate more of its resources to RFS fleet replacement.

Of concern to me is the number of vehicles that are ageing and, as I have indicated in answer to previous questions today and in earlier question times, it is a matter that I am giving priority attention to. The most recent advice I have from the ESA on this matter highlights the fact that, just because a vehicle has reached a particular age, it does not mean that it is not suitable for use on the fire ground. It needs to undergo a rigorous assessment in terms of its mechanical preparedness to decide whether it is suitable to be deployed to the fire ground.

That is the process that the ESA is undertaking. Even if the vehicle is of a particular age, if it is mechanically sound and it meets the necessary safeguard requirements that the ESA has for the vehicle, there is no reason that it cannot be used on the fire ground. Mr Smyth would know that there are a number of vehicles available to the RFS which are certainly quite old but are still regarded by volunteers and the ESA management

overall as very useful assets that meet the requirements they have for deployment on the fire ground.

The age of the fleet is of concern to me and I have asked since becoming minister that steps be taken to prepare a comprehensive fleet replacement strategy, not just for the RFS but for all parts of the ESA, so that the government can consider it in the context of the forthcoming budget. In the meantime, I have asked the ESA to ensure that they do proper safety assessments of these vehicles, something they would do as a matter of course regardless of my request, and asked when decisions are made about the availability of particular vehicles that assessments be done on their mechanical worthiness and on their worthiness in terms of other capacities to be on the fire ground, rather than having any arbitrary age limit.

MR SMYTH: Mr Speaker, I have a supplementary question. Why has the government, over the last five years, not taken appropriate action to rectify this appalling state of affairs whereby 23 out of 54 RFS vehicles listed are beyond their replacement date, with 14 out of the 23 substantially beyond their replacement age?

MR CORBELL: I find it a great irony that a question such as this comes from the former minister for police and emergency services. This is the man who, year after year after year, failed to inject additional resources into the then Emergency Services Bureau.

Mr Stanhope: Absolutely. The one man we inherited this mess from.

Mr Smyth: We've gone. You didn't inherit anything. We replaced half the fleet.

Mr Stanhope: How was your communications system?

MR CORBELL: This is the man who as a minister failed to do anything about the museum piece that was our radio communications system. This is the man who failed year after year after year.

Mr Stanhope: What was your communications system like?

Mr Smyth: Come on! The money is there. We put the money—

MR SPEAKER: Order! The Chief Minister will come to order. Mr Smyth, come to order.

MR CORBELL: This is the ex-minister who, year after year after year, failed to see any significant increase in resources for bushfire suppression, for fleet replacement, for communications upgrade, even for headquarters provision. That is Brendan Smyth's legacy. When you hear a question such as this from Mr Smyth, you have to put it into context.

The government has taken steps to improve the fleet right across the ESA. In the most recent budget, funds were allocated for a new super-heavy tanker for the RFS, new vehicle appliances for the ACT fire brigade and new appliances for the ambulance service. On top of that, in previous budgets we have seen allocations of money for new

firefighting capacity through the compressed-air foam system—another recommendation of McLeod. Those tankers are now in service in the RFS.

Yes, there is more work to be done; I do not shy away from that. But at least this government has some runs on the board in terms of improving the physical assets of the emergency services. In contrast, I challenge Mr Smyth to highlight any significant increase in funding to the then Emergency Services Bureau in his time in office. I doubt that we would see the level of increase that this government has put into the emergency services since the disaster of 2003. The government is cognisant of the issues still facing our emergency services. I as minister have asked that steps be taken to address this range of issues. We will continue to assess these comprehensively. We will continue with our commitment to improving and supporting the ability and capability of our emergency services in all four elements.

Emergency Services Authority

MR PRATT: Mr Speaker, my question is to the minister for emergency services. Minister, how do you explain your inability to accept ministerial responsibility for delay in the relocation of the emergency services headquarters, failure to achieve maximum functionality within budget for the trunk radio network, failure to achieve maximum functionality within budget for FireLink, the loss of the commissioner and two deputy commissioners following the integration of the Emergency Services Authority into JACS, the fiasco over the management of the funds raised by volunteers, the failure to upgrade the vehicle fleet—which, by the way, according to this chart, was in better shape in 2001 than it is in 2006—the failure to finalise version 2 of the strategic bushfire management plan and the failure of emergency services to manage its budget, leading to two payments from the Treasurer’s Advance of \$5 million each?

Ms MacDonald: On a point of order, Mr Speaker: that seemed like at least 10 questions to me, not one.

MR SPEAKER: It is not the most complex question that has ever been asked here.

MR CORBELL: The government stands by its record of significant investment into our emergency services. We stand by our investment of money into new communications equipment, new vehicles, new protective equipment, new radio communications, a new operations centre and the development of a strategic bushfire management plan. That is the ex-government over here that did not even have a strategic bushfire management plan and did not spend any money on fire fuel reduction. How much money did that mob spend on fire fuel reduction? How often did we see controlled burns in the ACT to reduce fire fuel under the previous government? This is the sort of hypocrisy we hear from those opposite.

The government stands by its commitment. We stand by our investment in emergency services. We stand by the significant improvements that have occurred since the 2003 fires. There is no limitless pot of money which we can continually draw upon to have everything gold-plated when it comes to emergency services. Like all government agencies, emergency services must work within its budget. But this government has increased funding by over 40 per cent—the total amount of money invested in emergency services.

Our capability, our responsiveness and our training have far improved. Our ability to manage a significant disaster is well improved on what it was in 2003. Our ability to ensure that we reduce the risks of incidents such as major fires has been significantly enhanced. The amount of money this government spends on fire fuel reduction is enormous. It goes into the millions and millions of dollars—

Mr Pratt: Wasted.

MR CORBELL: It is wasted, is it, Mr Pratt?

Mr Pratt: A lot of it is.

MR CORBELL: Apparently, according to Mr Pratt, fire trails are wasted, hazard reduction burns are wasted, slashing is wasted and mowing is wasted. I will take great pleasure in informing everyone who lives around the urban interface that Mr Pratt thinks that mowing grass and burning away fire fuel is a waste—an absolute waste. That is what he has said. That is what he is on the record as saying. This government has made that investment. We stand by that investment and we know our community is safer for that investment.

Minister for Police and Emergency Services

Motion of censure

MR PRATT (Brindabella) (3.09): I seek leave to move a censure motion of Mr Corbell.

Leave granted.

MR PRATT: I move:

That the Minister for Police and Emergency Services be censured for:

- (1) his failure to:
 - (a) adequately prepare the ACT for the 2006/2007 bushfire season;
 - (b) ensure that the RFS fleet was adequately prepared for the season;
 - (c) replace vehicles in appropriate time frames;
 - (d) have the trunk radio network and firelink fully operational as promised;
 - (e) adequately fund and staff the number of community fire units required; and
 - (f) adequately establish the new headquarters at Fairbairn; and
- (2) having misled the community through his words that we are “light years ahead” of previous years in relation to bushfire preparedness.

There is a definite case being presented here today to censure Mr Corbell for misleading the members of the Assembly and, more importantly, ACT residents on the government’s ability to adequately prepare our city and its surrounds for the threat of bushfire. There is a litany of poor decisions made by this government, which has in no

way brought us where we should be in terms of being adequately prepared for the extreme weather conditions facing us this fire season.

Six weeks ago I was prepared to say, and I said, that I thought the government was better prepared now for the 2006-07 fire season than had been the case for a number of years, even though I was uneasy at that time about what I perceived to be a leadership vacuum and the reinstated choking bureaucracy we had seen in 2002-03 with the ESB-JACS arrangement. But I was wrong.

I now know that, despite an ineffective ESB and other systemic problems, the previous Humphries government was better prepared in 2001 than this government is now. At least the Humphries government had the majority of its first responder vehicle fleet intact, serviceable and ready for the bushfire season. This government does not. The minister does not seem to have known that and certainly did not care to know. If nothing else, that attitude—a failure to accept ministerial responsibility—alone at least deserves censure. And there is much more.

Fundamentally, the minister's emergency capability, which is severely degraded—and that is causing much angst amongst the volunteer brigades and units which this government is failing—revolves around front-line firefighting, command vehicles and communications. Let us look at the state of the vehicle fleet. I refer to a document that has been delivered by the minister, through the chain of command, to the volunteer units. Let us have a look at that document and the state of the vehicles—the documentary proof of the state of your vehicle fleet, minister.

I refer for example to the command vehicles. Six out of the eight command vehicles are beyond age and are not operational or serviceable. They are beyond their life. Eight out of 18 tankers are beyond their useful age. Four light tankers out of 14 are beyond their age, and unserviceable. Of the eight tankers beyond their useful age, 25 per cent are way out of date by a good three or four years.

In summary, approximately 40 per cent overall of the first line responder firefighting vehicles are unserviceable. As at 13 October, on a day of high fire warning and the 13th day into the bushfire season, 40 per cent of this minister's emergency capability—first line response firefighting vehicles—were incapable of deploying. That is deplorable. That ought to be a sackable offence—the fact that such a large proportion of this minister's emergency management capability was off line.

Let us have a look at the bureaucratic bungling that we now have with JACS and the ESA. The emergency services authority, as we know, is now the Emergency Services Agency. The old ESA has been transferred back in under JACS, sucked up under the mother ship back into a bureaucratic morass. Where the ESB failed in 2001, 2002 and 2003, according to the McLeod inquiry, because it was overwhelmed by the JACS bureaucracy, this mob over here have learnt the lesson by reinstating the model.

The autonomy where Commissioner Peter Dunn and his authority had to make quick, responsive, operational decisions unencumbered by bean counters, administrative agencies and others, has now been removed. Chief officer Michael Ross, who heads the rural fire service, has a budget of only \$2.7 million because JACS knows better.

It is the ESA and JACS which now hold the purse strings and will micromanage Michael Ross and his volunteer agencies. That is why we have this parlous state with a vehicle fleet that is not in good shape. It is because people like Michael Ross and his captains have not had the ability or the independence to make the decisions they needed to make quickly with the backup of the government and the backup of this minister to get those assets ready in time for this bushfire season. That is where you fail, minister. That is where this government has failed.

Why, through the winter months approaching this bushfire season, did you not know that 40 per cent of your first line responder bushfire fighting vehicles were either too old, off line or perhaps classified by some micromanaged OH&S system as to be unserviceable for the fire ground should the fire ground come about? Why did you not know that? Why did your departments not check those fleets in these closing winter months?

Why are the two tankers now being back loaded to Sydney in October for stress fracture repairs of their springs when those conditions were known for a minimum of eight weeks? For a minimum of two months your people knew that those trucks were unserviceable. Why were they not back loaded in August or September? Why did we wait until October—13 days into the bushfire season—to make the decision to take valuable assets off line? The community needs those assets and your volunteers need those assets. You did not think about it. Did you inspect the fleet, minister? Did you have any idea?

Mr Corbell: Yes. I went out there and inspected every vehicle. I got into my overalls and climbed underneath.

MR PRATT: You are not expected to know, minister, whether the left front tyre of Gungahlin 10 is flat, but you should damn well know if 15, 20, 25, 30 or 40 per cent of the first response vehicle fleet is off line. You should know that. You should know whether a major proportion of your capability is off line. Why do you not know? It is because you have not scrutinised your public servants. You have not scrutinised your departments. Get out, mate, and have a look.

The ongoing delays with the implementation of the communications systems is another reason why you and your capabilities are not ready for this bushfire season. We have spent somewhere in the vicinity of \$23.6 million. At least that is the amount of money that was acquired in 2003-04.

Mr Stanhope: More than your entire budget, including the ESA.

MR PRATT: That is irrelevant. That is a good amount of money, but if you do not spend it wisely and if you do not target it properly on affordable communications systems and make sure that you use the right people to put those systems in place in time, then you are throwing good money after bad. That is what you have done.

About \$15 million of that was acquired for the trunk radio network—your primary voice radio command network. That should have been fully on line and operational by now, but there are still problems. Of course there are going to be gaps in the system down in Namadgi with the rough terrain. That is why you were supposed to be erecting

somewhere in the vicinity of 12 to 15 towers and base stations. Have you got those towers up yet? Have you got all of those towers up yet?

Why in the South Namadgi fire deployment of last week and the week before were your units unable to communicate, or at least relay via an appropriate tower somewhere, with the Fairbairn RFS headquarters? They could not do that. Why did the volunteers—who, by the way, are really p'd off about this—have to use mobile phones, and I think even in one case a satellite phone, to communicate back to RFS headquarters and ESA headquarters in town for what should have been a fairly routine deployment?

Why were the volunteer units and agencies unable to always communicate with each other? Why are they falling back to the old VHF network, the old tried and tested system? Did you possibly explore some other options to either improve the networking of TRN or even to enhance elements of VHF?

A lot of money has been spent. I put it to you that our communications are no better advanced than they were in January 2003, despite all the money that has been spent, despite all the glossy programs that have been introduced, and despite all the toys for boys initiatives that have been taken. There are major questions about this.

In the recent storm deployment by the SES, the SES of course were using their primary radio network as their primary means of communication. But because they are required to carry in every vehicle a \$50,000 white box FireLink terminal, they were also required, because of the need to locate their vehicles or for status on where their vehicles are, to have FireLink working.

FireLink did not work. Yes, minister, it was not the primary means of communication, but a lot of bloody money has been spent to put a \$50,000 box in every vehicle. For what purpose? So people can keep track of where vehicles are. It did not work in the storm because 130 incidents overloaded the system. FireLink did not work for the SES units which were with the RFS units and for the RFS units in the south Namadgi fire last week.

That is just unacceptable. The volunteers and captains are saying that the stuff does not work. The captains are also saying they do not even want to use FireLink. They do not believe they need it. They believe that \$5 million has been wasted on that program, which is now three years late, by the way. I remind you that you wanted a single source tender for an untried and untested product. Your excuse was that you needed it in service by 2003-04.

Here we are in 2006-07 and questions are still being asked about it. It is simply not fully in service. Why do we impose on our volunteer units these complicated communications programs that take up valuable time for training? More complicated equipment with additional links in the communications chain is being used. When that breaks down, it simply overloads the system.

I think you have spent far too much money. Good on you for acquiring all that money, but it is of no use if you are throwing good money after bad. That is the problem. The problem is complicated and expensive systems; and too many links in the chain. People on the ground are not happy to use those systems anyway; they not see the need for a

\$50,000 white box in their vehicle so that they can be tracked, when they are quite happy to give a locstat, or location status, by voice over the radio network—or perhaps even an enhancement of the old CAD system. You have left all of those systems behind and you have wasted a lot of money. Some of that money could have been spent on your vehicles, for one thing. It is outrageous that these fundamental capabilities are simply not in place and that a lot of money has been spent on them.

Both yesterday and today we have talked about other issues. We have talked about banking matters for the volunteer agencies. Minister, you could have moved within days to solve a problem which is affecting the morale of our volunteer units and brigades. We require these people to be on their toes now, to be focusing on the job now, to get ready for this bushfire season, and they are worrying about the traditional managers of their bank accounts. That is unacceptable. We have only 28 out of a promised 50-odd community fire units. Forty-five kilometres of the urban edge is still uncovered. According to *Stateline* two weeks ago, Duffy does not have a community fire unit.

Minister, you have failed. You said that we are light years ahead. On *Stateline* on the 29th, you said that you are confident. You have failed. You deserve to be censured. The people of Canberra deserve better support than this. And your volunteers need the support that this government has not given them.

MR SMYTH (Brindabella) (3.25): I rise to support Mr Pratt's motion. What he has said is an accurate portrayal of the failure of this minister. Simon Corbell will go down in the history of the ACT Assembly as the minister who failed. He failed in education, he failed in health, and now he is failing to adequately administer the Emergency Services Agency.

In education he failed to address the values, the standards and the discipline issues. He failed to address the problems in government high schools and he failed to address the drift from government to non-government. Instead, he tried to remove religious education. Thankfully he failed and was removed, because of that, to health.

Mr Stanhope: Mr Speaker, I wish to raise a point of order. None of this is relevant.

MR SMYTH: It is relevant. It is okay; I will keep going.

MR SPEAKER: Order! The motion that was moved was in relation to the emergency services portfolio and, in particular, the actions of the Minister for Police and Emergency Services.

MR SMYTH: All right, Mr Speaker. In emergency services we already have a minister who hides behind the notion, "It is operational matter. Therefore, it is not my responsibility. It is the responsibility of the department." That is not so, minister. You are responsible for the actions of your department. After all, the Stanhope government ministerial code of conduct says on page 3:

Ministers are individually accountable to the Assembly for the administration of their department and agencies.

There is no dissembling here. You cannot say it is an operational matter. Minister, you are responsible. It is not the Pontius Pilate approach: something happened; I wash my hands because I was not there. You are responsible.

Admittedly he received a sad legacy from the former minister, but that is no excuse for this minister, who said, “We are light years ahead in preparation.” Did he seek information before he made that statement, or did he just make it up? Once you have had your briefings from the officials, once you have read the incoming minister’s briefs—and I hope you read the incoming briefs, minister—you are responsible. I have seen incoming ministers’ briefs. I would be certain that the brief had a section on the age of the fleet and the capital upgrade required.

This all comes to light because of a memo that was circulated to captains and volunteers of the RFS called “Second response vehicles”. We have listened to all that the minister has said. And he did it again today in question time when he said, for instance, that we did nothing when we were in office with regard to replacing vehicles.

I will outline very quickly that we replaced half of the fleet. He asked us to remember—in effect misleading the Assembly—that we did not have a strategic bushfire management plan. We did. There it is—the bushfire fuel management plan 1998. He has misled the Assembly on that. Not only does he have a strategic bushfire management plan that has not been upgraded—

MR SPEAKER: Order!

Mr Corbell: Mr Speaker, I wish to raise a point of order. If Mr Smyth wants to claim that I misled the Assembly, he knows he must do that by a substantive motion.

MR SMYTH: This is a substantive motion.

Mr Corbell: No, it is not mentioned in the censure motion.

MR SMYTH: It was.

Mr Corbell: The opposition is censuring me. There is nothing before me in writing on this issue. As far as I am aware, there is no reference in that substantive motion to misleading the Assembly. Until I see the words, I think it is a bit difficult to—

MR SPEAKER: I understand it is about to be circulated, Mr Corbell.

MR SMYTH: Is it acceptable? This is a substantive motion.

MR SPEAKER: We will press on.

MR SMYTH: The minister said in question time that we did not have a strategic bushfire management plan. It is not true. We did. There it is. Indeed, unlike his strategic bushfire management plan, which the government has refused to update, we updated ours in 2000 and 2002, to make sure it was up to date.

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

MR SPEAKER: Withdraw that “mislead the Assembly”, Mr Smyth. It is not mentioned in the motion.

MR SMYTH: All right. I mislead. I am sorry, I withdraw, Mr Speaker.

Mr Stanhope: You do mislead. You are quite right. We accept that.

MR SMYTH: I think the Assembly needs to remember that the minister was found guilty of persistently misleading the Assembly in June 2004. All we seek to do is say that he continues to do it.

Mr Corbell: I rise on a point of order, Mr Speaker.

MR SPEAKER: Withdraw that. Mr Smyth, you will not have the opportunity to continue if you keep flouting my rulings.

MR SMYTH : All right. I withdraw. What does the memo the minister refused to table say? I will read through the memo. It points out quite clearly the failure of this government, following in the footsteps of the previous government. It is headed, “ACT Rural Fire Service vehicle distribution.” It has registration numbers, call signs, vehicle locations, vehicle types, dates of manufacture and replacement dates.

It is interesting that, of the 54-odd vehicles listed, 28—more than half the fleet—came on line during the term of the last government. We were in office for seven years. That is about four vehicles a year. How many are listed here as having been replaced or brought on line by the Stanhope Labor government in the last five years? How many, Mr Chief Minister? Eight. That is 20 less than the previous government brought on line.

Since 18 January 2003, following the disastrous bushfires that occurred, how many new vehicles, according to this chart distributed to volunteers have been brought on line? Six. Two a year. Less than two a year. That is at half the rate of the previous government.

As Mr Pratt points out, you can throw money at problems but unless you do it appropriately, you do not get the outcome you want. What is missing from the fleet? What have we got from this government? We have got seven command vehicles, 11 light units and eight tankers that are beyond their use-by dates, that should have been replaced. Had the government had in place a replacement program like the previous government did, they would have been replaced.

Let us face it. There is no problem with the money. This government is renowned for throwing money at problems. The government continually throws money at every problem that it encounters or creates, but it does not get the outcomes. We see it in TRN, which is not functioning properly. We see it in FireLink, which is not functioning properly, and we see it in a fleet that is rapidly ageing and which has no hope of being replaced by this government because it has halved the rate at which the vehicles are replaced.

I think it is quite important to highlight that 28 vehicles came on line during the previous government's reign, and only six since 2003—eight in the full life so far of the Stanhope government. That is failure. That is failure to address the issues.

I seek leave to table the memos. There is a memo which details the problems. It shows that there are stress fractures in Molonglo 10 and Gungahlin 10. Surely standard replacement or standard maintenance and vehicle attention would find that.

Leave not granted.

MR SMYTH: Leave is not granted. You do not want your own memo. You are embarrassed. That is fine. We will think about whether we will fight that one. There it is. They do not want to table their memo. They do not want in the *Hansard* the true state of affairs. They are going to hide behind their numbers in this place because they do not want to hear or see the truth written in the *Hansard* and their failure to adequately maintain the fleet recorded for posterity. You ought to be ashamed of yourselves.

You then have to ask the question, "How long has the government known about this problem?" When was this table first created; and when was it sent out. It was emailed out on 9 October this year at 5.40 in the afternoon. I will read it. It is signed by Michael Ross. It says:

Captains & volunteers

Apologies for not getting back to you last week with these - a bit of a fire on. As discussed at the pre-season workshop—

They discussed this pre-season—

the attached spreadsheet highlights vehicles that through a combination of age, roadworthiness and fireline reliability are flagged as possible second response.

These 14 vehicles have been drawn from the pool of 23 vehicles that currently exceed the replacement age profile (based on national standards). Those that have exceeded the agreed life span by more than 25% have been identified in the table and names marked in yellow.

Plague yellow. There it is—it stands out. Fourteen vehicles out of 23—more than 25 per cent—were old. I would be embarrassed too if this were tabled, Chief Minister, because it highlights your failings. It continues:

As the next step the RFS is forming a small team—

There is the answer: let us not buy vehicles. We will have another team. It is the Minister Corbell model, where you cannot change the bank accounts until you have a small team—

to now specifically individually assess these identified vehicles for condition and suitability for fire line duties and reliability on the fire line. These inspections will commence this week.

Here we have an email on the 9th that the inspections are not going to start until the 16th. We are already into the fire season. It continues:

The small matrix attached is the approach we intend to follow in relation to further assessment.

They had a pre-season workshop. They did not inform the volunteers until after the start of the fire season. But it does not address the issue as to when the government knew. When was that document created? It was created on Wednesday, 23 February at 2:24:03 in the afternoon—not eight months ago; not February 2006; not this year. It was created 20 months ago. That is negligence. That is a lack of ministerial responsibility. For 20 months the Stanhope government has been aware that 14 vehicles out of 23 are greater than 25 per cent beyond the national standard.

How do we know this? When things are emailed out, a little thing comes with it—if you know where to click—called the properties box. I seek leave to table the properties box for the ACT Rural Fire Service vehicle distribution word document that was distributed.

Mr Corbell: Have you any idea how childish you sound?

MR SMYTH: Do you know how lax you have been?

Leave not granted.

MR SMYTH: Again the government fails to have this document tabled. Here it is. It was created on Wednesday, 23 February 2005 at 2:24:03 pm. That is failure. That is ministerial neglect. That is the neglect of a government that did not care about the rural service volunteers that they sent out in these vehicles and the community that they now seek to delude by saying that they we are light years ahead. “We are light years ahead in terms of preparation.” That is what the minister said.

Mr Pratt talked about adequate preparation. Clearly that has not happened. We have looked at the RFS fleet. That was the second point he talked about. We have looked at the replacement of the fleet which this government has failed in. He has mentioned the TRN—the trunk radio network. According to people who were on scene at the incident at Mount Clear, they had to use their own phones to communicate with each other because communications in that area were so bad. The reason the TRN and FireLink were put in place was to overcome these difficulties.

We appreciate this. We recognised this back in, I think 1999-2000. We called it the emergency services budget. There was money for communications; there was money for vehicles; and there was money for upgrades. You can see some of the benefit of that in the 28 vehicles that came on line in the life of the former government—not like the eight vehicles that have come on line in the life of this government.

TRN and FireLink were to go ahead to fix up those problems. We have known for years that the old radio network did not work in areas like Mount Clear. That is why we spent tens of millions of dollars on a single select tender—so we could have it quickly. What season was it meant to be up for? I think it was the 2004-05 season. No, it was not—

sorry. Then 2005-06: no, it was not. Then in 2006-07 it is still not the front-line communication system. That is why this minister needs to be censured for his failures. We then went on to the CFUs: not in place yet. We have looked at Fairbairn.

Mr Stanhope: How many did you have?

MR SMYTH: The Chief Minister asks how many we had. We administered it properly. We did not lose a single house when we were in office. How many houses have gone since you have been in office? You had your wake-up call in December 2001. What did you do? A report with 109 recommendations, very few of which were implemented. Very few of the 109 recommendations delivered to your government were effectively implemented, exposing the ACT in 2003. That is what you did. When we were on duty, we replaced things. We had a vehicle replacement strategy.

Mr Stanhope: No hazard reduction burns; no communications; no headquarters. “We replaced 28 vehicles.”

MR SMYTH: According to your government’s chart, not my chart. That is why you do not want it tabled—because your chart tells the truth. These are vehicles which were manufactured in the period we were in government. They came on line and were available. Half the fleet was replaced, at an average of four vehicles a year, as opposed to your two vehicles a year since the 2003 bushfires. That is failure; that is negligence. That is why this minister should be censured.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, and Minister for the Arts) (3.40): This is a most appalling stunt, as everybody in this place knows and as we know from the two shockingly incompetent presentations we have been faced with over the last half hour from the shadow minister and from the immediately past deposed leader of the opposition.

It is interesting to hear the Liberal Party pontificating about a replacement policy. We know that is something they do well, particularly as it is expressed in the terms of incompetent leaders. It is interesting to hear Mr Smyth talking about replacements and replacement policies, something which his colleagues have grasped with alacrity in the last few months, to send him back after his apparent statutory date had been received. From the presentation we have just experienced, we know why they did that. He is a joke. He is an embarrassment. His presentation was absolutely pathetic.

Mrs Dunne: Mr Speaker, I wish to raise a point of order—relevance. It is reasonable for the Chief Minister to go on and posture for a little while, but he has not made a substantive point in relation to the censure motion.

MR SPEAKER: Mr Stanhope was directing his attention to the motion moved by Mr Smyth. It would not be the first time that a motion moved by somebody in this place has been criticised by an opponent in the debate. I think that is quite routine.

MR STANHOPE: Thank you, Mr Speaker. Of course, it is ironic to see Mrs Dunne defending Mr Smyth. It was, after all, Mrs Dunne who led the charge to ensure that he be relegated to the back bench where they had hoped, of course, as a party, that he could do

less damage than he has been doing over the last two years. A seriously failed leader. A seriously failed and flawed leader.

MR SPEAKER: Mr Stanhope, I think you have taken it a bit too far.

MR STANHOPE: Yes. Anyway, the irony is not lost on us that Mrs Dunne, who instigated the replacement of her previous leader, now stands to defend him. And he needs all the defence he can get.

MR SPEAKER: Order! Mr Stanhope, come to the subject matter of the motion.

Mr Pratt: Let us get back to the 40 per cent.

MR SPEAKER: Order, Mr Pratt! You are on a warning.

MR STANHOPE: It is relevant, as we dwell on this particular issue—supposed failings of my government in relation to emergency services—to dwell on what we inherited and the enormous deficiencies that we have been required to meet and to fill.

As recognised by McLeod and certainly as recognised through the coronial inquest, Mr Smyth, as the previous minister for emergency services, of course has to bear the brunt of the responsibility for the level of fuel that had built up to the west of the ACT. Never forget that the 2003 fire occurred one year after we took government, after seven years of Liberal government.

The great issue that everybody concentrates on is the level of fuel that had built up in Namadgi and all places and parts to the west of the ACT, including in pine forests then growing to the very edge of the ACT. A situation, of course, that had persisted throughout the seven years of the Liberal government under the stewardship of Mr Smyth.

It was a significant issue, as recognised by every commentator in relation to the fire. Who was responsible for that? The Liberal Party generally, and Mr Smyth specifically. What did we inherit? We now have a motion condemning this government and the current minister in relation to issues around communications. What was the communications system we inherited that this minister is now overlooking the replacement of, and its finalisation?

Opposition members interjecting—

MR STANHOPE: It is a fine irony, is it not, and so much humbug to come into this place and condemn this government and this minister for putting in place a communications system where none existed. It is a fine thing, is it not, to come into this place and condemn this government and this minister for establishing a permanent home and headquarters for the fire service and emergency services authority, when one did not exist because you could not be bothered. It is a fine thing, is it not, to come into this place and condemn this government for a lack of investment in emergency services, when we are investing over \$20 million a year more, year after year, than you did.

As the minister indicated in question time today, we have increased expenditure on emergency services by 46 per cent. Why have we increased expenditure by so much over the last four years? Because of the level that we inherited from Mr Smyth and the previous government, because of their lack of investment. There has been a 46 per cent increase in funding for fire services under this government, year after year—\$20 million-plus a year. Of course, there was a lot of ground to make up because of what we inherited from you, because you were not committed. You cannot dismiss this. You cannot walk away from it. There has been a 46 per cent increase in resourcing for fire services and emergency services in this territory in terms of what we inherited from you.

We have taken expenditure on the full suite of emergency services from just over \$50 million to \$77 million a year. You are not aware of the irony of your coming in here and condemning us for the work we have done in dealing with the mess we inherited from you. Never forget, in any discussion of the 2003 fires, that we had been in government for one year in terms of fuel that had built up, and the circumstance we inherited after seven years of land management by Brendan Smyth and his colleagues.

You managed for seven years with a one-year gap to the fire and you now, through these sorts of motions and sleazing and slipping around the place, suggest that you had nothing to do with it. With your underfunding of the fire service and your lack of organisation, I find the irony remarkable that you then come in here to condemn this government and this minister because we have only established 28 community fire units.

How many did you establish? None. Not one. You come in here and condemn us because we have only established 28. You seriously seek to censure the minister because he has established 28 community fire units when you established none.

Do you understand how absurd that is? Do you understand how ridiculous that makes you look, and how pathetic you are that you condemn us because we established 28 more fire units than you, when you established none? We have invested \$21 million a year more into emergency services than you did—a 46 per cent advance. But you focus on one issue around vehicles and ignore the enormous work that has been done in establishing professionalism, replacing equipment, enhancing the nature of our capacity to fight fires and to deal with other emergencies.

Over and above this, of course—it is not just about fires—it is about ambulance services. It is about combating terrorism. It is about all of the other work that we do through the emergency services authority.

Mr Smyth: What about focusing on emergency services?

MR STANHOPE: There again, we inherited nothing from you in the context of our capacity to deal with emergencies such as terrorism.

Mr Smyth: Nothing has changed.

MR STANHOPE: We started from the ground up because you left us nothing. You left us absolutely no capacity to deal with those sorts of issues.

Mr Smyth: Not true.

MR STANHOPE: We inherited a wreck from you. We have enhanced professionalism. We have improved training. We have upgraded equipment across the board. We have established a state-of-the-art communications system. We are establishing a headquarters.

We now have a truly professional, well-equipped, professional emergency services authority and service. Your constant attempts to undermine the relationship between the emergency services authority and this government, and between the emergency services authority and the community, is reprehensible.

Mr Smyth: No. There is no authority.

MR SPEAKER: I name you, Mr Smyth.

Motion (by **Mr Corbell**) put:

That Mr Smyth be suspended from the service of the Assembly.

The Assembly voted—

Ayes 8		Noes 6	
Mr Barr	Mr Gentleman	Mrs Dunne	Mr Smyth
Mr Berry	Mr Hargreaves	Mr Mulcahy	Mr Stefaniak
Mr Corbell	Ms Porter	Mr Pratt	
Ms Gallagher	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

Mr Smyth was therefore suspended at 3.55 pm for three sitting hours in accordance with standing order 204, and he accordingly withdrew from the chamber.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (3.55): In speaking to this motion, Mr Pratt listed a litany of failures of this minister at a time when we are entering the bushfire season, at a time, I would have thought that the minister would have wanted to ensure that we were, as he said in his proud but unsubstantiated boast, light years ahead, because, in spite of the complacency of previous governments going right back to the Hawke government and maybe the Fraser government before that in terms of bushfire preparedness, we have had two horrible wake-up calls.

We had the events of December 2001, which should have been a wake-up call to this government to take certain action, which it did not take, and, of course, we had the tragic bushfires of January 2003, which we have not heard the last of, as there is still a coronial report to come down on that. I think that that will be very interesting indeed. We have also had the McLeod report, much of which has not been actioned by this government. You would think that, if anything, the January 2003 fires would have ensured that the bugs would be ironed out. This government, which trumpets that it has spent 46 per cent

more on emergency services and bushfire preparedness than anyone else, should have used that money wisely.

The Chief Minister is interested in history. I am a bit of a history buff as well. The previous government inherited a deficit of \$344.8 million. Despite that and despite the problems for us of getting into a position to hand over a surplus to the current government, we still managed to replace 50 per cent of the vehicle fleet. Mr Smyth was quite right in saying that not a single house was burned down during that time. I will accept that Mr Stanhope is partially right in saying that previous governments could have done more.

The problem with things such as fire trails and backburning probably went to a view the Labor Party had federally and around the states in relation to leaving national parks in a pristine state to overgrow, not having the sensible trails which help in firefighting, not having most members of the community able to use them with things such as four-wheel drives, and also not taking the requisite steps there to ensure that necessary precautions were taken. That was something for which the Hawke government was famous—the deal Richo did with the Greens—and that was perpetuated here during self-government by governments of all persuasions. If there was any failure on the part of the previous Liberal government, it was probably that it did not do enough in that regard.

But there is no excuse for events after December 2001, given the wake-up call we got, and there was even less excuse, after that wake-up call, for the current government in January 2003, no excuse at all. This is not something that the opposition has cobbled together just as a stunt. I think the Chief Minister is the master of stunts. This is not something just cobbled together. This is a result of concerns by people out there on the front line. I am surprised that Mr Corbell does not appreciate that. The opposition, especially my colleagues Mr Pratt and Mr Smyth, who is a dedicated volunteer firefighter, are getting to hear about them from people out there on the front line, people who are putting their lives at risk, as does Mr Corbell, in protecting our community.

Surely we should be capable, and this government should be capable, of learning the lessons of history. Given the wonderful financial state which we left to you and which you have squandered, and you have had surplus budgets for about four of the last five years, and given the extra money you have put in, one would expect that some of the bugs would have been ironed out, one would expect that vehicles that had to be replaced would have been replaced. One would certainly expect that the communications system would work, especially when you are spending something like an extra \$18 million on it. My understanding is some of the old communications system is still being used.

Mrs Dunne: That the Humphries minister put in place.

MR STEFANIAK: Indeed, that the previous government put in place, as my colleague Mrs Dunne quite rightly points out. You have put in extra money in relation to that, but we are still having trouble with the new systems that a lot of money has been spent on—the FireLink system to indicate where vehicles are and the TRN radio network. That must be immensely frustrating for people out there on the ground. That is basic. That is something one would expect the lot opposite would have got right after these years. It is basic also to expect the vehicle fleet to be fixed up and improvements made during the off season, during the winter season, rather than having major units unavailable during

record hot temperatures in October of this year due to the fact that they are undergoing repairs.

Mr Mulcahy: Push them around!

MR STEFANIAK: That would be a bit hard in Namadgi, as there are some big hills there. You do not have to be a rocket scientist to realise that we are experiencing climate change. Temperatures are warmer. The bushfire season is going to be longer. We have had 299 millimetres or thereabouts of rain when we should have had about 450 millimetres by this stage of the year. The fire season is probably more dangerous in many ways than it was at the end of 2002 because we have had a much greater drought. All of those things should have been impacting on this minister's mind.

I must admit that I was utterly amazed to find out that we are not light years ahead, that we still have these hugely significant problems in relation to the vehicle fleet, that we have these hugely significant problems in relation to basic things like communication and that we appear, again, to be underprepared for the fire season after all those warnings, after the December 2001 fires and especially after the January 2003 fires, especially after the detailed McLeod report and especially after the evidence given publicly to date in relation to the coronial inquest into those tragic fires of January 2003.

This motion is a censure motion, a no-confidence motion. Basically, it tells this minister that he needs to lift his game. Of all the ministers here, he should have knowledge other than just what his department gives him, because he is also a volunteer, and full credit to him for that. So I am surprised that we find ourselves in this situation. The minister has a problem here with the ministerial code of conduct. There are a couple of areas there where I think he is sailing close to the wind. On page 2 it says:

Ministers will recognise that they have an obligation to account to the Assembly fully and effectively for all money they have authorised to be spent, forgone, invested or borrowed on behalf of the Territory. Ministers are individually accountable to the Assembly for the administration of their Departments and Agencies.

So he cannot just say that he does not have the technical expertise et cetera. When a problem has been drawn to his attention, and this problem has been drawn to his attention for at least 10 days and there have been further issues drawn to his attention since then, he needs to take steps to rectify it, rather than just pretending that it does not exist and sweeping it under the carpet.

Page 10 of the government's ministerial code of conduct deals with diligence and says—

Mr Mulcahy: Are you sure they have not deleted it?

MR STEFANIAK: They probably do not read it. I think that it is still there. Paragraph 5, halfway down page 10, says:

Ministers should exercise due diligence, care and attention and at all times seek to achieve the highest standards practicable in relation to their duties and responsibilities in their official capacity as a Government Minister.

We have heard today of a litany of problems. In fact, we have heard of them over the last few days—indeed, the last couple of weeks. We have heard of the problems with the vehicles and the fact that 40 per cent of them are defective, vehicles that should have been replaced. We have heard of the problems in relation to the trunk radio network and the FireLink network as well. We have heard of the problems in relation to the community fire units. The government trumpeted that there were going to be something like, I think, 75 and we have ended up with 28, a recommendation of McLeod partly accepted by the government and then stopped. As Mr Pratt quite clearly says, there are significant areas of Canberra which are vulnerable as a result of that. We have heard about problems in relation to the new headquarters at Fairbairn. We have heard, too, of the complacency of the minister in stating that we are light years ahead.

If he had actually said that there were a few problems that he still needed to iron out, fair enough, the opposition would be involved in a stunt if it moved a censure motion in relation to that. But the minister has exuded an air of complacency that simply is not warranted and he does have a responsibility as minister to administer his department properly and, when such problems are brought to his attention, to take appropriate action. Clearly, he has failed to do that and clearly, as a result of that, he does deserve to be censured.

Accordingly, Mr Pratt's motion is very well founded. I can read the numbers and the motion is going to go down, but it should serve as a wake-up call to the minister. We are going to be in for a very bad fire season. I am no expert in terms of how the minister is going to fix up his communications problems but, quite clearly, that needs to be done as a matter of urgency and, quite clearly, the minister needs to ensure that he gets his vehicles on line, operating and able to get out and put out fires as quickly as possible and he needs to ensure that any other necessary steps are taken to ensure that we are as well prepared as possible.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (4.05): This motion today is, in my view, abhorrent. It is abhorrent because at the root of it is an attempt to make some cheap political points and to try to achieve some cheap and pathetic political advantage from what is, at the end of the day, a fundamental issue about the ability of our community to be as safe as it possibly can be in the event of an emergency.

We had the pathetic and sad comment from Mr Smyth earlier today, before he was thrown out, that no houses burnt down on his watch. We all know in our hearts that he was just lucky. We know that because we all know with the benefit of hindsight that the level of fuel for fire in the Namadgi national park had been building up for over a decade. Mr Stefaniak acknowledged as much in his speech this afternoon. It is a cheap, pathetic political point for Mr Smyth to say that nothing burnt down on his watch. How sad is that and how demeaning is that to those people who did lose their homes in what was a disaster of unparalleled proportions in the ACT? For politicians to make cheap political points by saying that no homes burnt down on their watch but they did on ours is pathetic.

I do not speak much in this place about what I do in other parts of my life, but one thing I am very proud of, as with other parts of my life, is that I am a volunteer with the Rivers

volunteer bushfire brigade. Next year it will be five years that I have been a member of that brigade, so it is not some fly-by-night, flash-in-the-pan commitment. For me, it is a long-term commitment and one that I take very seriously. When I talk to, work with and trust my wellbeing to other people in that brigade, I know what they are thinking and feeling, I know the commitment that they take seriously to protecting their community, colleagues, friends and neighbours and I know that when you look at where we are now and when you look at where we were before 2003 we are light years ahead. I stand by that.

I was involved in the fires in 2003. I saw the fire fuel levels for myself in 2003. I responded to the fire in the Namadgi national park on 9 January, the morning after the night before, the day after the fire started. I know what the conditions were then and I saw how they deteriorated, how our emergency services coped and where the pressures were throughout that period. I take that experience with me when I sit down as minister and look at what is going right and what is not going right in our emergency services.

Mr Pratt: You did not know much about the truck fleet.

MR CORBELL: I do not know what that was, Mr Pratt, but I encourage you to say it out loud.

Mr Pratt: I said that you did not know much—

MR SPEAKER: Order!

MR CORBELL: Mr Speaker, I want to outline to members why I can say with confidence that we are light years ahead and I want to show those opposite why this motion by them today is the pathetic piece of political posturing that it is. I want to draw members' attention to the full range of things that this government has done since the 2003 fire disaster.

I refer to the completion of the strategic bushfire management plan; the development of the Emergencies Act itself; the development of a chemical, biological, radiological and nuclear plan for the ACT; the development of a pandemic plan for the ACT; the development of an evacuation plan for the ACT; the purchase of new vehicles for all the emergency services, an issue I will go back to in some detail later, including a special operations support unit for the ACT Ambulance Service, six new ambulances for the ambulance service, four compressed air foam system tankers for the ACT Fire Brigade, six of those tankers for the ACT Rural Fire Service, the first of their kind in the country, two new pumpers for the urban fire brigade, one new tanker and two new light units for the ACT Rural Fire Service, a new hazardous materials incident support vehicle for the ACT Fire Brigade, six new command units for the ACT State Emergency Service, and 22 slip-on firefighting units made available to rural lessees through the ACT Rural Fire Service; new equipment for the ACT Ambulance Service, including new stretchers and new cardiac monitors; the implementation of a third comcen operator for the ACT Ambulance Service to meet peak demand workloads; the implementation of a new computer-aided despatch system for our communications centre; the first application of the geocoded national address file in the country; and a new trunk digital radio network for all the services, another point, I will come back to later.

On top of that, we have recruited more people: 20 additional ACT Ambulance Service staff; 61 additional full-time firefighters in the ACT Fire Brigade; 110 rural firefighting volunteers in the past 12 months; 40 additional state emergency service volunteers; and four full-time staff for the ACT State Emergency Service. That is just some of the commitment we have made. I would like to go on. Twenty-eight community fire units; that is, over 750 registered volunteer members, 550 fully trained and equipped. In conjunction with the Bureau of Meteorology, we have established new fire weather warning detection systems, including an automatic weather station on Mount Ginini for more accurate weather information for mountain firefighting. We are participants in the new national aerial firefighting centre scheme, which includes support for the basing of one medium-size helicopter and one light helicopter in the territory during the fire season.

One of the real criticisms following 2003 was about the lack of coordination between ACT and New South Wales units, and so it should have been, but this government has taken the steps to address that. For example, we now have agreements with the New South Wales fire service in a range of areas, including one to have both of the national aerial firefighting centre aircraft available for a minimum of 12 weeks in the ACT. Previously, they were only here for six weeks. We have doubled the period we have those helicopter firefighting facilities available to us.

We have put in place new memoranda of understanding with the New South Wales Rural Fire Service, the New South Wales Fire Brigade and the New South Wales State Emergency Service for guaranteed cross-border cooperation. We have got new protocols in place with the ACT media so that when there is an emergency they all agree they will broadcast emergency information. That was never in place before 2003. People listening to an FM radio station or watching commercial television had no idea what was going on. It was only if you listened to the ABC that you actually got anything from the media. We have now got agreed protocols with all of those media outlets to broadcast emergency information.

Mr Speaker, we have memoranda of understanding between our ambulance service and the fire brigade and with the New South Wales National Parks and Wildlife Service for mutual aid in the event of a fire. On top of that, we now have consistent government land access agreements with all territory land managers so that we have access to emergency trails across the territory. We have basic things such as a common key system. That is essential for firefighters. When they show up at a gate, they do not want to have to ask, "Whose bloody key is it? Is it the DUS key or is the Environment ACT key? Whose key is it? We need to get through the gate." We have a common keying system now so that we have that access quicker.

On top of that, we have focused very strongly on issues around community education. The fire wise program is well under way. We have extended the bushfire wise program to include rural lessees. That is a very important initiative as well. (*Extension of time granted.*) We have provided to every household in the territory information on what they should do to prepare themselves before and during a fire. So community education has been very strongly in our minds. Were any of these things happening before 2003? The answer to that is no; they simply were not happening.

We have also implemented a standard early warning system for the territory and we have put in place a whole range of other measures to improve training for our firefighting personnel; in particular, revised AIMS training, Australian instant management system training, for ACTRFS senior officers, including the incident controller, operations officer and planning officer, to meet national competency standards. We have created full-time community relations and media liaison positions.

Most significantly—I think this is where the opposition fails absolutely to understand the responsiveness and the comprehensiveness of our response to the events of 2003—we have in place new incident control and coordination arrangements; in particular, an emergency coordination centre for incident response, coordination and planning, based at the ESA headquarters in Curtin, plus a new incident control facility at both the RFS headquarters in Fairbairn and the land management headquarters at Stromlo. That provides us with incident control rooms on the eastern and western sides of the city and potentially gives us the capacity to manage incidents on both sides of the city simultaneously through separate incident control centres.

Mr Speaker, these are all very significant improvements to our preparedness and response to a fire. How dare those opposite seek to suggest that we are nowhere better prepared? How dare they? It just shows the pathetic political posturing they seek to achieve through the sort of motion that we have today.

Mr Speaker, this censure motion seeks to deal with a couple of other issues and I will now go to those in some detail. First of all, I go to the issue of the community fire units required. Mr Pratt, the challenge for you is to say what is the number. Did the government ever say X number of units? I challenge Mr Pratt to find in any government document, any budget document or any statement by a minister the number of units the government has agreed to fund and is aiming for, because there is not one.

The McLeod report did not recommend a specific number of community fire units. The McLeod report did not recommend that. So this particular element of the censure motion is just plain wrong. We have staffed 28 community fire units. Over 550 volunteers have been trained and there are 750 in the program. That is a very significant number of people involved in protection along the urban interface. But, at the end of the day, community fire units are not about putting out fires. Community fire units are about protecting people's property. That is very important and the capacity that we have there is very valuable, but they are not about fighting fires. That is the job of the fire brigade and that is the job of the rural fire service. That is where the government in this particular budget has chosen to focus its resources.

Mr Pratt's other critique is about failure of the trunk radio network and FireLink. Mr Pratt clearly was not listening during question time today because, if he had, he would know that the TRN works extremely effectively in the built-up area, in the bushfire abatement zone and in many other elements of the ACT, but there are a couple of areas within the Namadgi national park where it does not work well. We have never hidden that. We have never walked away from that. We have never denied it. The reality is that VHF does not work well in those locations, either.

Mrs Dunne: It works better.

MR CORBELL: It works better. (*Further extension of time granted.*) TRN works. I do not rely on the advice just of my officials on this. I have used it myself and I have been trained in it. I know that it works. I know that I can communicate with SES units with it and I know that I can communicate with New South Wales units with it because I have done it. I have done it and I know that it works.

Mr Speaker, the other issue that I want to address is that of the RFS fleet. When I became minister, there was a range of issues brought to my attention. The status of the RFS fleet was not one that was immediately brought to my attention, but it was after a period. I have already requested my department to prepare a comprehensive fleet replacement strategy to address issues around the ageing of the RFS fleet. I said that during question time today, but that did not seem to matter to those opposite because they decided that they just wanted to move a motion of censure; they just wanted to get some political advantage, some cheap, pathetic political advantage.

A comprehensive RFS fleet replacement strategy—indeed, I should say a comprehensive ESA fleet replacement strategy—has been requested by me as minister. That is something I did a number of months ago. We have not just left the RFS fleet to deteriorate. We have seen the replacement of vehicles within that fleet. We have seen new CAFS tankers, we have seen new heavy tankers, we have seen new light units and we have seen new command vehicles, but there is more work to be done and, as minister, I am determined to see that it is done.

At the end of the day, the government's commitment to emergency services is not just about dollars, although the dollars are very significant. In 2000-01, the Liberals were funding emergency services at \$32.8 million. By 2006-07, it is \$70 million. That is a significant increase and commitment by this government. I do not mind having a detailed debate about any of these issues, but I do mind the suggestion that I am in some way negligent and not interested in these issues. I really take offence at that. I take offence at that for two reasons. First of all, because it suggests that in some way, as minister, I do not care about the fact, that I do not care about community safety. Of course I do. We all do in this place.

But what I really object to is that I, as someone who makes a commitment personally as well as professionally to protecting the community, to doing my bit, can be accused of the sort of pathetic and paltry accusations that we have seen from those opposite. I reject them, I reject them absolutely, and I reject on behalf of the government any suggestion that this government has failed to properly tackle and address the issues within our emergency services. We are light years ahead. I stand by that and I stand by the investment and commitment this government has made in emergency services.

Motion (by **Mr Hargreaves**) put:

That the question be now put.

The Assembly voted—

Ayes, 8

Noes, 5

Mr Barr	Mr Hargreaves	Mrs Dunne	Mr Stefaniak
Mr Berry	Ms MacDonald	Mr Mulcahy	
Mr Corbell	Ms Porter	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

Original question put:

That **Mr Pratt's** motion be agreed to.

The Assembly voted—

Ayes, 5

Noes, 8

Mrs Dunne	Mr Stefaniak	Mr Barr	Mr Hargreaves
Mr Mulcahy		Mr Berry	Ms MacDonald
Mr Pratt		Mr Corbell	Ms Porter
Mr Seselja		Mr Gentleman	Mr Stanhope

Question so resolved in the negative.

Questions without notice

Budget

MS MacDONALD: My question is to Mr Stanhope in his capacity as Treasurer. Can the Treasurer tell the Assembly what is the importance to the ACT budget and consequently to the Canberra community of maintaining a sustainable revenue stream? What would be the impact on the delivery of services if the government were to abandon significant revenue measures such as the fire and emergency services levy, the water abstraction charge, the utilities network facilities charge and the land tax regime?

MR STANHOPE I thank Ms MacDonald for the question. It is indeed a timely question, particularly in an environment or circumstance where the Liberal Party have just exposed the consequences, as I think we are all aware, of underresourcing essential services such as emergency services. We have seen that, I think, through the debate we have endured over the last hour in terms of the enormous investment in emergency services and firefighting that we have engaged in over the last five years to redress the enormous gap in services that were a feature of the time of the Liberal Party in government—indeed, of Mr Smyth's stewardship as minister responsible for the emergency services authority.

Mr Corbell, the current minister, referred in his concluding comments to the fact that we inherited an emergency services budget across the board of around \$38 million which we have increased over the last five years to \$77 million a year. Why have we done that? We have done that because of the routine underservicing which was a feature of the previous government. There were areas of government service delivery that they simply ignored, such as emergency services. That we are now funding emergency services to the

tune of \$77 million a year, as against their \$38 million, is a reflection of the fact that that is the extent or degree to which that mob underresourced emergency services.

In the context of pledges which the Liberal Party have made over the last four months, it is ironic, having just completed a tedious debate around this government's supposed failings in relation to emergency services, that we have to contemplate the fact that Mr Pratt, the shadow minister for emergency services, has pledged that the Liberal Party, if it wins government, will not proceed with the emergency services levy; that the first move of the Liberal Party if elected in two years time, the first piece of legislation to be introduced by the then Treasurer, whoever it may be—I am not prepared to say that it will be Mr Mulcahy—will be to abolish the emergency services levy, \$20 million.

The Liberal Party think they can do without it. We have seen Mrs Dunne pledge not to proceed with the water abstraction charge, another \$14 million. Yesterday, in all of his language, in his public commentary, in his media statements and positions, the shadow Treasurer suggested that land tax is a crippling tax, is an enormous burden, is holding the town back and cannot be supported. He says he wants a review, which are weasel words, of course, for saying, "I want to abolish this tax." Last year, \$63 million of government services were delivered through the land tax. We have also Mr Mulcahy's public comments about the utilities network facilities charge, a \$16 million revenue stream which we hope to be in place by next year.

Add those up. This is not a joke. This is not a laughing matter. Since this year's budget, the opposition in this place have, through express statements of Mr Pratt, the shadow minister for emergency services, said that the Liberal Party in government would not persist with an emergency services levy—\$20 million gone. Mrs Dunne, the shadow minister for the environment at the time, said, "We will not tolerate the water abstraction charge"—\$40 million gone. Mr Mulcahy cannot walk away from his statements yesterday in relation to land tax: "This is a bad tax. This is a crippling tax. This is a tax which cannot be endured. This is a tax which is holding the town back." At what level of the \$63 million? Let's say half. Let's be kind here and say half, \$30 million.

Opposition members interjecting—

MR SPEAKER: Order! Chief Minister, direct your comments through the chair. Members of the opposition will cease interjecting. Chief Minister, take no notice of them.

MR STANHOPE: Then there is the utilities network facilities charge of \$16 million. Even if you are generous and say that Mr Mulcahy really has signalled that he will simply cut land tax in half, we are talking here about explicit pledges by the Liberal Party of about \$80 million of revenue cuts. What would be the implication of that? The implication is that they would go back to where they were in relation to emergency services funding. They would go back to where they were, the lowest funding jurisdiction in Australia, on mental health. We know about that. They would go back to where we were on disability services. Who has forgotten the Gallop inquiry, the royal commissions into this mob's stewardship of disability services? (*Time expired.*)

MS MacDONALD: I have a supplementary question, Mr Speaker. Can the Treasurer say what direct impacts would derive from the opposition's proposals for cutting revenue?

Mrs Dunne: Mr Speaker, I ask for your ruling as to whether that is an expression of opinion. I cannot remember what the standing order says, but the question is out of order.

Ms MacDonald: Mr Speaker, on the point of order: the question was not asking for an opinion. It was asking what the impact would be if these cuts went ahead.

MR SPEAKER: The point at issue here is that I think that the question is hypothetical. The Chief Minister is responsible for his own policies, not necessarily the opposition's policies.

Mr Stanhope: On the point of order, Mr Speaker: the question goes to the implications of a quantum cut. We know what the quantum is: around \$80 million or \$100 million.

MR SPEAKER: I am prepared to listen to the question again, but it sounded hypothetical to me.

Mr Seselja: Do not change it.

Ms MacDonald: No, I will not change it, Mr Seselja. Thank you for your direction. Mr Speaker, from looking at the question, I think you are correct; it is hypothetical. It says, "Can the Treasurer say what direct impact would derive from the opposition's proposals for cutting revenue?"

MR SPEAKER: I think it is hypothetical.

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

Personal explanation

MRS DUNNE (Ginninderra): Mr Speaker, I claim to have been misrepresented and would like to use standing order 46 to set the record straight.

MR SPEAKER: Proceed, Mrs Dunne.

MRS DUNNE: Just a minute ago, in answer to Ms MacDonald's question, Mr Stanhope said that I had said that the Liberal opposition would abolish the water abstraction charge. At no stage have I ever said that and at no stage has any member on this side of this place said that we would abolish the water abstraction charge.

Paper

Mr Stanhope presented the following paper:

Ministerial Level Intergovernmental Agreement Negotiations List—As at 6 October 2006.

Financial Management Act—consolidated annual financial statements

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 the following papers:

Financial Management Act, pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2005-2006 Financial Year—

Statements.

Further information, dated October 2006.

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

Leave granted.

MR STANHOPE: Mr Speaker, I present to the Assembly the unqualified 2005-06 consolidated annual financial report for the territory. This report is required under section 24 of the Financial Management Act 1996. The 2005-06 annual financial report is the first the territory has prepared under the new Australian Equivalents to International Reporting Standards, or AIFRS, framework.

For the year ended 30 June 2006, an operating surplus of \$137 million was achieved for the general government sector. The audit result achieved is lower than the preliminary operating result of \$176 million reported in the interim June quarter of the consolidated financial report.

The movement in the final general government sector operating surplus from the interim outcome principally reflects an increase in the estimated superannuation expense of \$40 million. This increase was due to a change in technical accounting assumptions in order to ensure full compliance with the new Australian Equivalents to International Reporting Standards. Further details of this accounting change are provided for the information of members in a short technical note tabled with the consolidated annual financial report.

While we are committed to the long-term reform of the territory's budget, the achievement of the government's fifth consecutive accounting surplus is a pleasing result. I commend the 2005-06 annual financial report for the territory to the Assembly.

Intergovernmental agreement

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 the following paper:

Interstate Investment Cooperation Agreement—Intergovernmental Agreement,
dated 30 March 2006.

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

Leave granted.

MR STANHOPE: Mr Speaker, I table the Interstate Investment Cooperation Agreement for the information of members. The ACT recommitted to the Interstate Investment Cooperation Agreement for a period of five years at the states only ministerial council meeting in March 2006.

The agreement carries forward the commitment of all signatories that were a party to the previous Interstate Investment Cooperation Agreement, being all states and territories except Queensland. The previous agreement has been in effect since 2003 and expired on 4 September this year. The recommitment of all signatory states and territories will see the agreement continue for a further five years from 5 September 2006 until 4 September 2011.

While all participating jurisdictions supported the agreement at the ministerial council meeting in March, the formal signing of the agreement by Tasmania was delayed due to the timing of the meeting coinciding with the caretaker period preceding their state elections.

The purpose of the agreement is to encourage the cooperation of participating jurisdictions towards reducing the incidence of financial inducements being offered to businesses to relocate between jurisdictions where there is no net national economic benefit; in other words, so that we are not bidding against each other for businesses.

As part of the agreement, the ACT and all other participants provide annual reports on the amount that was committed to investment attraction activities in the financial year. These reports are compiled each year by Victoria and tabled annually at the states only ministerial council meeting. I commend the paper to the Assembly.

Cultural Facilities Corporation 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 the following paper.

Cultural Facilities Corporation Act, pursuant to subsection 15 (2)—Cultural Facilities Corporation—quarterly report 2005-2006 (1 April to 30 June 2006).

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

Leave granted.

MR STANHOPE: As members are aware, the Cultural Facilities Corporation delivers a range of arts and cultural programs and services for access by the ACT community at a number of venues. Under the Cultural Facilities Corporation Act 1997, the Cultural Facilities Corporation is required to provide quarterly reports on its activities and table these reports in the Assembly. I am pleased to say that the corporation has completed its report for the fourth quarter of 2005-06, being the period from 1 April 2006 to 30 June 2006.

From the fourth quarter report for 2005-06 members can see that the corporation delivered a diverse range of programs and activities for the benefit of the ACT community through its theatres, galleries and historic places. There are, however, some significant events that I will briefly highlight.

Progress continued on the construction of the new Civic Library and Link project, and it is anticipated that these projects will be completed in the next week or so. I was also pleased to announce the successful public artwork for the Civic Library and Link project, which will be a sculptural work entitled *Fractal Weave* by highly regarded Canberra region artist David Jenz. During the quarter, the Canberra Museum and Gallery and the Canberra Theatre received a Vision Australia Making a Difference award for supporting people who are blind or vision impaired.

During the quarter the Canberra Museum and Gallery also launched a new program, *CMAG on Sunday*, funded through the Health Promotion Grants Unit, formerly known as Healthpact. The *Illuminations* series, containing lesser-known works by Sydney Nolan held as part of the Nolan Collection, concluded a successful tour of the Latrobe Regional Gallery and the Moree Plains Gallery.

A total of 27,564 people visited the historic places during the quarter, many participating in educational and public programs. During the quarter 42,000 patrons attended the productions presented by the Canberra Theatre Centre at its three venues, the Canberra Theatre, the Playhouse and the Courtyard Studio. High profile productions included Bell Shakespeare's *Romeo and Juliet* and the Bangarra Dance Theatre's *Clan*. I am pleased to report that the corporation provided 72 social capital tickets to the value of \$3,000 to a variety of community groups.

The corporation provides many arts and cultural activities for all Canberrans. I am pleased to table the report for the Assembly.

Ministerial Advisory Council on Ageing—review of seniors clubs 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 the following paper:

Seniors Clubs—Review carried out by the Ministerial Advisory Council on Ageing, dated December 2005.

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

Leave granted.

MS GALLAGHER: Before I begin, I would like to acknowledge that several members of the Ministerial Advisory Council on Ageing are present in the gallery today to listen to the government's response to their report to me as minister for ageing.

I would like to take the opportunity today to highlight the International Day of Older Persons, 1 October 2006. It reminds us to celebrate the contribution that older people make to our community: as carers and volunteers, as providers of mutual support to young people, as employees and employers and as active participants in many community activities and organisations. The International Day of Older Persons has been observed by the United Nations on 1 October since 1990. This day provides us with a unique opportunity to reflect on how we can work towards a society in which generations invest in one another and share in the fruits of that investment guided by the twin principles of reciprocity and equity.

At the same time we should stimulate debate about how we continue to work to provide a safe, healthy and supportive climate for the growing number of older people in Canberra. Over the next 30 years, the age structure in the ACT will change considerably. There will be population decline for almost every age group up to the age of 32, with this group in total declining by 19,000, including a decline of 10,000 for the 0 to 14 age group. In contrast, the population over 32 is projected to grow by 86,000, with 68,000—equivalent to the entire growth in the total population—being people aged 60 years and over.

This is a huge resource for our society, not just in caring, volunteering and mentoring roles, but also through late career opportunities that can take the load off a declining younger work force. In other words, there needs to be a balance of older and younger citizens that creates the right social mix to maintain a dynamic community. Older Canberrans have the skills, knowledge and experience to help us capitalise on our competitive advantages in a global economy. It would be remiss of us not to recognise the many opportunities that the ageing of our population will bring to Canberra. Theodore Roszak, the American social commentator, observed:

A new world is opening before us—not across the seas, not in outer space, not in cyberspace, but in time. Living time. Longevity is our voyage of discovery—a voyage that is so easily affordable that money is the least interesting issue to address. Far more fascinating are the powers of the mind, the resources of the spirit, which wait to be explored.

This structural change to Canberra's population places demands on services provided by government, community groups and other organisations providing services to seniors, and it is something that the ACT government is planning for with important advice from my Ministerial Advisory Council on Ageing to ensure that the government is on the right track when making decisions and prioritising the needs of our older residents.

The government established the Ministerial Advisory Council on Ageing in 2002 as a way of utilising the wealth of skills and experience in our community to provide guidance and advice on how to respond best to the needs and aspirations of our ageing community. Since then the advisory council has produced a number of high quality

documents. The *Review of Seniors Clubs 2005* is one example, and I take pleasure in tabling the report for the information of members. I congratulate the council on taking the initiative and undertaking this thorough and comprehensive review of seniors clubs in the ACT. Undertaking this review is a positive demonstration of the forward planning that characterises Canberra.

It is also heartening to see that consideration has been given to the involvement of the Aboriginal and Torres Strait Islander community and the multicultural community. The review report puts forward 18 recommendations for consideration by the ACT government and the seniors clubs. I welcome the authors' recognition of the need for shared responsibility in addressing these recommendations.

Seniors clubs play a vital role in encouraging older people to be active and to participate in the community. This is particularly important for older people who can become socially isolated, bored and depressed. Social inclusiveness and the valuing of older people in our community is the first key theme area from the advisory council's new strategic plan, which I launched earlier this year.

The nine recommendations proposed for government consideration in the advisory council's report include some which call on the ACT government to note the important role that seniors clubs play and to note that new facilities will be required for older people as the population ages and spreads into new areas. The government is pleased to acknowledge the important role that seniors clubs play in maintaining social networks and encouraging older people to continue their contribution to family and community life.

The government continues to consider proposals and explore options to assist with the development of community facilities, including seniors club, to further promote social participation and active ageing amongst older Canberrans. Since 2003, the government has provided over \$250,000 to the existing seniors clubs to upgrade their facilities.

The report contains four recommendations relating to the reservation of land for new seniors clubs and to potential redevelopment of existing facilities. In planning for new areas of our city, land is reserved for different purposes, including community facilities. Decisions are made about the specific use of community facility land as the population of a particular area grows and develops over time.

The process for obtaining land for a new seniors club would be for an established community group to submit an application to the Land Development Agency for a direct grant of land. The government will be pleased to discuss any redevelopment proposals in the context of the overall provision of community facilities in the ACT. As part of these discussions, the ACT Planning and Land Authority will provide advice on the requirements associated with the use of community facility land.

The government encourages all three seniors clubs to develop strategic plans to identify factors and priorities that will guide their future development. We note the excellent work that the Ministerial Advisory Council on Ageing and the seniors clubs have done in developing best practice models and resources to guide clubs as they develop individual and joint strategic plans.

The advisory council's strategic plan highlights the need for older people to have a variety of options for transport and parking appropriate to their physical capabilities and needs. The government endorses this principle. The Canberra social plan outlines the government's commitment to encouraging active community participation by Canberra's ageing population, and we note that distance and/or mobility factors can create barriers to participation.

The report on the review of seniors clubs raises the issue of parking at seniors clubs, particularly at the Belconnen seniors club. This issue has been the subject of ongoing detailed discussion, and the government is conscious that adequate parking is important to seniors organisations. Having said that, the government has taken care to ensure that seniors clubs are within easy walking distance of bus stops for those members who are able to travel by bus. A range of options is available for those who are unable to travel by bus, including mobility parking permits for those with mobility disability and the ACT taxi subsidy scheme.

To return to the specific issue of parking at Belconnen, the government is not able to provide free parking vouchers for seniors club members because to single out a small group would be unfair to the many other users of public car parks in that area. The 20 vouchers provided to the senior citizens club in Turner was a commitment made by a former government that we continue to honour.

The final recommendation calls on the government to provide \$20,000 for each of the next two years for transport to seniors clubs. The government has provided additional funding of over \$300,000 for each of the past two years to expand the community transport program under the home and community care program to include social transport. We will be pleased to consider the proposal to expand this service to those outside the home and community care program in the context of the next budget.

In the context of the International Day of Older Persons, I would like to turn now to some other things that we are doing to promote positive ageing in our community. Examples of the government's commitment to lead Australia in promoting positive ageing, a key priority of our actively ageing framework and of the Ministerial Advisory Council on Ageing's strategic plan, include grants since 2003 totalling around \$300,000 for a range of activities. They include resources to extend friendly home visits and welfare services, religious activities, local excursions, physical activities and social functions for elderly people in the Lao community of Canberra; to enhance volunteering in the Finnish community to provide companionship and transport to appointments, shopping and visiting and other outings for elderly Finnish residents; for a grandparents support network; and for a weekly creative arts program which encourages Cranleigh students and Kalparin residents to have regular structured interactions.

The actively ageing framework developed by sport and rec ACT aims to increase the participation of older people in physical activity and has been designed with the involvement of key stakeholders and other interested sections of the community. To support the actively ageing framework the government has also published information about local activities that are suited to the needs of our older people.

The seniors card is another means by which the government promotes an active and healthy lifestyle for older people. A seniors card provides cardholders with discounts at approximately 470 businesses in the ACT and is accepted by a number of businesses interstate. By giving something back to older members of the community the seniors card scheme aims to improve the quality of life for older people by increasing their spending power and enabling seniors to increase their participation in community life. Local businesses offer seniors cardholders benefits ranging from discounts on hotel accommodation, cafes and restaurants to discounts on dental services, tyres and repairs for their cars and discounted entry to cinemas, museums and a host of other attractions and activities.

ACT government benefits for ACT cardholders include special rates for ACTION bus travel during off-peak periods, all day on weekends and public holidays; discounts on ACT dog registration through ACT shopfronts; a 10 per cent concession on the registration component of privately registered motor vehicles; and a \$35 subsidy towards the purchase of spectacles through a provider of your choice. This subsidy is available every two years. The benefits to older people individually and to our community of reducing the demands on health and associated care services are understood and appreciated by the government.

In conclusion, I would like to thank the Ministerial Advisory Council on Ageing for the work they have put into producing this very high quality report and providing it to the government for consideration. I also thank them for taking the time today to come to the Assembly and listen to the government's response. The council has an important role in promoting positive ageing and I am grateful for the members who volunteered their expertise and time to research and write this report.

The report provides valuable advice and information that will contribute to the development of policy and programs affecting older people in the ACT, not just this year but for many years to come. I look forward, as the minister for ageing, to working with the Ministerial Advisory Council on Ageing to promote a healthy and active lifestyle for all Canberra seniors.

Paper

Mr Corbell presented the following paper:

Legislation Act, pursuant to section 64—Heritage Act—Heritage Regulation 2006—Subordinate Law SL2006-45 (LR, 11 September 2006), together with its explanatory statement.

Antisocial and criminal behaviour Discussion of matter of public importance

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

The impact of antisocial and criminal behaviour in the ACT.

MR PRATT (Brindabella) (4.58): Mr Speaker, I rise today to draw the attention of this place to the rising incidence of criminal and antisocial behaviour in the ACT, particularly in areas within close proximity to ACT Housing complexes. I intend to highlight only a few examples today, situations that I have witnessed at first hand and others that have been brought to my attention and to Mrs Jacqui Burke's attention by the concerned residents of both private and public housing in the areas, as well as shopkeepers of our local shopping centres.

I will start with the Red Hill Shops. This is an area that I have expended a lot of my energy on, and so has Mrs Burke. I am pleased to say that the minister and his predecessor have done something about this problem, but there is more to be done. Let us look at the Red Hill shops. Residential safety within the public housing complex in Red Hill is unacceptable, with the majority good-neighbour element of that public housing complex severely disrupted and endangered by a hard-core recidivist offender minority element.

During a shopping centre stall earlier this year, the purpose of which was to survey local residents' opinions and to collect petition signatures calling for more police protection in the area, I was approached by a number of public housing residents sick to their back teeth of the unruly situation pervading the public housing complex there. They spoke of constant harassment by the minority and, if not harassment, certainly ongoing violence and noise in the area. Even if they were not directly offended, it had begun to make their lives hell anyway.

I was particularly taken by the situation enveloping a number of single mothers who, at least at first glance, looked like thoroughly decent people, the victims of family break-ups. They were doing it tough financially, as is often the case in these situations, trying to find a new start to life and then suffering all manner of indecency. Why shouldn't women with children who have suffered a break-up somewhere and who are trying to start a new life and seeking to get residence in a government housing complex be allowed to have that fresh start in a safe and decent environment?

The hard core that we have talked about cause a disproportionate amount of crime, in particular at the Red Hill shops. The situation is somewhat improved but it continues to be a problem. Anecdotally, burglaries, theft and property crime in the area from the vicinity of the public housing complex down to the vicinity of the grammar school still appear to be quite high. Residential complaints and feedback are significantly high compared to many other neighbourhoods.

Many of the direct problems occurring in the shopping centre have quite significantly decreased, but the crime that occurs in the broader reach of that suburb, which is put down to people coming from the public housing complex, continues. The Red Hill shopping precinct has been regularly hit. Over a number of years they have suffered armed hold-ups, shoplifting, break-ins, property damage and vandalism through intimidation, even drug dealing and certainly personal intimidation and harassment of shoppers.

As I was saying, the situation has improved at the Red Hill shopping centre, and it is because of an improved police presence. Hallelujah! The shopkeepers are saying that they see a police patrol about once a week, which is a big improvement on the previous situation. But it is still not good enough.

The elderly folk from St David's and other nearby aged residences were regularly harassed for money, although I am advised that from June onwards this behaviour has improved quite dramatically. We must continue to monitor that situation. The harassment of the elderly folk walking between St David's and the shopping centre and back again, people in their seventies and eighties, is despicable. If there is a priority that police need to particularly focus on, it is the protection of those people. They ought to be able to spend their last days enjoying their own neighbourhood. They should have that protection.

The police do have a good knowledge of who has been perpetrating the crime. They know the identities of the youths in that area who are engaging in disorder. I say again that the offenders in the Red Hill public housing complex are a small minority of the residents there, but they are aggressive beyond their numbers. They harass the peaceful, law-abiding majority of public housing tenants who live there, and they have a reach well out into the neighbourhood.

A good percentage of the perpetrators are youths who clearly are not influenced by police, the justice system or their elders. I must say that recently, at 3 pm one afternoon during a visit to a shopping centre, I witnessed young boys of about 10 and 12 years of age monsterring and harassing shopkeepers and shoppers alike. They were not remotely fazed by the admonitions of nearby adults.

I noted that shopkeepers were not prepared to go out and admonish these young boys because of the fear of retribution later, usually after hours, and the visiting of vandalism on their shopfronts. The Maleganeas family, who own the Red Hill shops, have now had every single window broken in their supermarket. They have given up replacing broken windows with glass and have simply boarded the whole shop up. There is not a window in sight. That is pretty sad. That does not do anything for the amenity of the area or the amenity of the shop. Small business should be better off than that. The Maleganeas family are loath to undertake any further developments of the Red Hill shops under the current circumstances.

A proactive police presence has increased, as I was saying earlier, with some noticeable improvements in the area, but criminal activity remains high. About 10 days ago the butcher's assistant told me that very often when he puts the garbage out at the end of the day, at about 5.00 to 5.30 pm he sees young men and teenage boys dealing at the corner of the Red Hill shops. That is in broad daylight; it is not even after dark.

The government has been well aware of this situation but has taken insufficient appropriate action in terms of policing and has not initiated firmer housing departmental action to deal with the recidivist unruly tenants. Yes, police patrols have increased, but more needs to be done. Police patrols in that shopping centre need to be further increased to tackle these sorts of issues. We welcome the initiative that the local police commander has taken to increase patrols, but more needs to be done. When the butcher's assistant is

seeing deals going down, too often in broad daylight, we know that people are committing crimes at that shopping centre without fear of being caught. The Red Hill shopping centre is suffering a bad name because of that behaviour. It is not attracting the shoppers it feels it can. The shopkeepers talk about a range of decreased activity of between 10 and 20 per cent over the last 18 months.

The situation is repeated with various degrees of seriousness across the ACT, with government housing tenants in both public housing complexes and ACT government single housing responsible for a disproportionate amount of neighbourhood and shopping centre crime and disorder. I have a number of examples to illustrate and support the argument that I am putting forward here this afternoon.

I will start with Pleasance Place, Belconnen. I refer to an article in the *Sunday Times* of 15 October. The *Sunday Times* quoted frightened elderly residents "living under a constant barrage of foul language and threats of violence". These good people have experienced constant break-ins and vandalism and are being monstered by a minority who have a long, hard reach. The residents say that getting police to attend calls for help is exceedingly difficult. Perhaps the police are sick of it. They advise that they do not see proactive police patrolling there.

You cannot always expect police to turn out in time in response to a crime that has been committed. You would hope that they would be able to turn out when a crime is in progress. But certainly what the opposition is saying is that the police need to more proactively patrol these areas, turn up and eyeball the people that the residents know are causing the trouble and making life hell in these places.

Let me talk about Crichton Crescent, Kambah. I was down there last Saturday afternoon, and I was there a month ago. Residents in this quiet suburban street have been the victims of constant antisocial behaviour, including constant vandalism to their letterboxes, the running of trail bikes over their front lawns, in some cases the running of motorbikes quite brazenly straight down their driveways and out through the back of their properties, the detonation of quite large pipe bombs and attacks on house pets by spear-wielding youths. In one case a resident alleges that bullets have even been fired into the roof of his home because he says that he had been identified as a person constantly calling police about them. I do not know whether bullets have been fired into his roof—

Mr Corbell: The police have attended his house and they have inspected—

MR PRATT: I know that. They have attended on two occasions. A traffic policeman has been up on his roof and looked at the damage. I have been up on his roof and looked at the damage, and the damage is peculiar. I do not know whether it is really a bullet hole. I believe that the police have yet to determine whether it is a bullet hole. However, this resident is a man of good reputation in that neighbourhood, and, while he might be mistaken about what has happened to his house, he certainly is not mistaken that his house has been attacked with something. And that is the point, is it not?

The residents there feel that the name of that street and property values in that street are being affected by this constant harassment, this recidivist behaviour. What they are saying is that this is behaviour by a small number of people living in only a couple of

houses. It is people who have got young kids, teenagers and young adult visitors constantly riding a lot of trail bikes around the neighbourhood.

The problem here is that this just goes in cycles. The police are constantly called out but they cannot always tackle these issues. I put it to the government that the problem is a whole-of-government problem, a multidepartmental problem and a housing management problem as well.

I have talked before about Richardson shops and the constant vandalism of that poor little shopping centre, again by youths who are known to live in local government housing. In Wanniasa there is talk of neighbours constantly dealing in drugs and violence. In Macarthur, in Fraser Court in Kingston and in Chisholm, the story is the same. Indeed, a person in Chisholm referred to “people coming at all hours of the night and parking at the front of our house with their car lights pointed directly into our house to wake our family up”. These neighbours, who are people living in government housing, are reported to the housing department, but nothing seems to be done. In Scullin, the situation is the same. Retirees who have lived there for 30-odd years cannot get any protection or support from the neighbours.

The underlying problem is that people living in public housing complexes or single public houses are monsterring their fellow public housing tenants, the majority of whom are peaceful, law-abiding people, but they are also impacting severely on the neighbourhood. They have been identified and the department of housing simply is doing nothing about it. These people do not deserve to be living in these neighbourhoods. They are not good neighbours; they are letting our neighbourhoods down. This government is doing nothing about identifying those people and bringing law and order to those neighbourhoods.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (5.13): Here we go again with another attempt to sensationalise and politicise law and order in prime debate. As I have said before, I am certain that here in the ACT we would hope to try and avoid the extreme politicisation of these issues, as has happened in some other jurisdictions. That only leads to very poor public policy and increased community fear to a disproportionate level.

It is irresponsible, really, to feel such fears, especially when we know that the reality is quite different. In proposing such a discussion Mr Pratt seems to be suggesting that crime is out of control in this city. Is this really the case?

Mr Pratt: Did I say that?

MR CORBELL: That is not what the crime indicators that are publicly available show. Mr Pratt talked about restoring law and order to suburbs. The suggestion is that there is a lack of law and order in suburbs. So, yes, he is making that suggestion. Let us look at how crime indicators stand overall. These indicators are based on independent reports. For example, the recently released ABS report *ACT in focus 2006* shows an overall drop of 12 per cent in the number of offences reported for 2004-05 in the ACT.

To follow on, the national 2005 ABS *Recorded crime—victims*, a report on crime reported to police across Australian jurisdictions, also shows positive results for the

ACT. Overall, the results for the ACT were very pleasing, particularly for personal crimes—crimes against the person—because these are the most serious categories of offences.

Homicide shows a 60 per cent fall from 10 offences in 2004 to four in 2005. Sexual assault is down 27 per cent—from 226 in 2004 to 163 in 2005—and there is a 100 per cent drop for kidnapping and abduction from six to zero. Assault has remained fairly steady, with a very slight increase from 1,769 to 1,772. In relation to property crime, burglary has shown a fall of 11½ per cent from 2004-05. We have come a long way from when burglary was peaking above the national average in the year 2000. Since 2003, we have seen a steady improvement in the burglary rate.

The concerning area for me is the area of motor vehicle theft, which shows an increase of 22.2 per cent—from 1,669 offences in 2004 to 2,040 offences in 2005. The result is consistent with the figures preceding 2004 that show an overall decline from a peak in 1999. The national ABS survey *Crime and safety, Australia* also shows that household crime and personal crime victimisation rates in the ACT were down overall in 2005. In household crime there has been a trend downwards since 1998, with the results in 2002 being lower than 1998 and the 2005 results being lower than 2002.

Victimisation rates for selected personal crimes also have trended down slightly from 2002 to 2005. In the same report, the survey indicated that the ACT had the second highest feelings of safety rating in the country at 84.7 per cent, compared to Tasmania's top rating of 85.3—so half a per cent difference. The ACT is ranked on par with Tasmania as having the highest perception of safety at home during the day, and also running second, only slightly behind Tasmania, regarding the perception of safety at home after dark.

Indeed, the majority of ACT residents report that they feel safe and secure in the home and neighbourhood; feel that the ACT is a safe and secure place in which to live, have faith in and feel satisfied with ACT Policing; feel that they are primarily responsible for their own safety and security; feel that crime levels in Canberra are less than or equal to other Australian jurisdictions; and are less concerned about all other types of crime compared to other jurisdictions.

These are not ACT government figures or messages. These are independent assessments by the Australian Bureau of Statistics. They are the facts. That is what we should be looking at when it comes to the issue of crime trends in the ACT—not the anecdotal evidence Mr Pratt seems to rely on. Anyone can find incidents which are of concern. Crime occurs in the ACT. People are victimised, people are hurt. That happens. But they are anecdotal. They are not a rigorous assessment of the overall level of crime in the ACT.

I want to quickly talk about the very important area of property crime. This area of crime is less serious than crimes against the person but is, nevertheless, of concern to people in our community. Comparing the 2005 ABS figures to those of 2003, burglary is showing a reduction rate of 12½ per cent from 1,616.9 in 2003 to 1,415.3 in 2005. That is well above the strategy's December 2005 target of five per cent. We are on target. Property crime is being reduced.

For motor vehicle theft, the ABS figures show a reduction rate of 18.6 per cent from 771 in 2003 to 627 in 2005—an 18.6 per cent reduction. That is a good result. It goes beyond the target of 15 per cent. Again, whilst there are concerns about motor vehicle theft, the trend is downward, and that is consistent with our targets. The strategy sets further reduction targets for the end of this year and by the end of next year. I look forward to seeing those results.

The last thing I want to comment on today—I am not going to take a lot of time—is the issue of police resourcing and budget. This year's budget saw the single largest increase in policing resources since self-government. In one budget there was funding for an additional 60 police. Overall since 2004, this government will have funded an additional 107 police on the beat.

That is a good record. That is a strong level of investment. There are certainly more police officers than in the previous government. We have done that not based on some anecdotal assessment or on some assertion about what the number should be, but based on a joint agreed study between the Australian Federal Police and the ACT government as to what the required figure was. The study said 107 and we have funded 107. That is a significant commitment.

I am not going to go further today. I think I have outlined quite clearly what the facts are in relation to crime rates in the ACT. There will always be incidents of concern which will trouble all of us. As minister, I certainly hear of incidents that trouble me. I feel sympathy and concern for those residents who face incidents of crime that affect their lives, their wellbeing or their property.

I treat those seriously. But they are not an alternative to looking at crime overall, to looking at the facts and statistics and drawing on those when you make public policy decisions about how we resource and direct our public safety programs, our law enforcement programs and our crime reduction programs here in the ACT.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (5.22): Just on a few points the attorney made, I think there was an interesting selective use of the car thefts. I note some of the other points. If he looks at his quarterly reports, car thefts are up. I think we are back up to about the highest in the nation there. He mentions burglary rates, which have been falling since 2000 for very good reasons—a couple of excellent police operations like Anchorage and Halite, and also section 9D of the Bail Act, because many burglaries are committed by repeat offenders.

That has been particularly effective in terms of ensuring those rates stay at a low level, although that is under threat by a matter I mentioned earlier this morning—that is, the courts going off on a tangent as a result of the government's Human Rights Act. I thought the intention of section 9D of the Bail Act was quite clear. The Human Rights Act should not affect it but, again, we will wait and see. If that interesting development occurs further, it will affect that.

The only other point I would make in relation to the attorney's general comments is that, despite what he says, these individual acts terrify people. They are intolerable in a civilised society. They are committed by people who are utterly selfish, and who have no

regard for other people, who we should not tolerate such acts from. Indeed, if some of these people are caught perhaps the courts need to take a much stronger view in light of the fear and angst they cause to so many innocent people, and often to so many elderly, frail people who have no way of defending themselves in our community.

I point out to the Attorney that people do not feel particularly safe in Civic. I am just referring back to some community discussion. There were some call-ins on radio in relation to people's perceptions on that issue. While some of the figures for general crime across the territory are encouraging, there are obviously significant incidents still which cause great concern for people and make them rightly fear for their safety in Canberra. A lot more needs to be done.

I support Mr Pratt's matter of public importance today. He has made a number of comments, especially in relation to Red Hill. I will make some comments in my contribution in relation to points that my colleague Jacqui Burke, our housing spokeswoman, wants made in relation to this debate. Obviously if she were here, she would be speaking in relation to that.

The opposition has been pushing the Stanhope government for a number of years to release its plans for the overall update and redevelopment or rejuvenation of the Red Hill precinct that incorporates the local shops and the public housing complexes there. The problem is that no plans have been forthcoming, after questioning and other inquiry lines to the minister for housing and the Minister for Planning. Matters are still under consideration, and planning or redevelopment options are yet to be finalised.

Residential safety within the public housing complex areas is of genuine concern to the residents in the general neighbourhood. It is stressed, as is often the case here, that the majority are disrupted by a small number of totally selfish, inconsiderate people, intent on continuing disruptive and unacceptable behaviour that simply does not reflect our community standards and should not be tolerated.

There seems to be a key group responsible for the disproportionate amount of criminal activity or disruptive behaviour in the area around the Red Hill shops. Feedback received by petitioning residents and those who visit the shops indicates that theft and property crime in that area appear higher than in other parts of South Canberra. Residential complaints and feedback are significantly high, compared with many other neighbourhoods. These shopping precincts have been regularly subjected to a wide range of criminal activities, ranging from armed hold-ups to shoplifting, break-ins, drug dealings, harassment and intimidation of shoppers.

Of course, there are also the recent incidents in relation to Belconnen. As I mentioned earlier, elderly residents, law-abiding citizens—people who deserve to be protected and respected in our community—have locked themselves into their premises because of the actions of selfish, irresponsible louts. That is something that should not be tolerated. Interrelated to these matters, a pattern is emerging in the approach by the government to the public housing asset management strategy. That has been in place for some time and is, in a number of ways, a continuation of the multiunit property plan of the previous government, which I think was introduced in 1999.

Currently there appears to be no concrete evidence that redevelopments are proceeding quickly for housing complexes such as the former Burnie Court site, the Currong Apartments and, of course, the troublesome site at Fraser Court in Kingston. The government is dithering in its approach to commencing significant capital works programs that would certainly go a long way to improving the outlook of the abovementioned neighbourhoods and the lives of residents living in either public or private accommodation.

The point is this, what outlook do we have for the future, so that we can all feel safe and secure living in any given neighbourhood? Indeed, how must the government combat the complexities of finding a balance in providing Canberrans with the opportunity to access a good mix of housing options that will also tackle the problems?

It is very important to see how people in any neighbourhood interact and coexist. Commonsense tells us that when neighbourhoods are relatively free of any form of criminal activity or antisocial behaviour, people feel safe and secure and are willing to engage each other in a positive way. You get community building, and cohesive and cooperative neighbourhoods are sustained.

I am sure most members would agree that there is always a level of personal responsibility required by anyone for their behavioural patterns or approach taken to life. However, the successful management of major public housing complexes is the sole responsibility of government. Policies should be put in place to display firm cooperation between agencies such as housing, the police and non-government organisations that provide a variety of support services and programs in the community. In turn, this approach must be bolstered to support the majority of us who live within our neighbourhoods who are determined to tackle the recidivism and antisocial behaviour of a small minority.

One of the things that worked very well in the ABC flats was a community program called the boomerang board, which I think was put in when I was housing minister. We had on site one or two people who assisted some of the very difficult and troubled tenants there. I can recall going to that property on a Christmas Day to play Santa Claus. In fact, I kept going and playing Santa Claus after I ceased being minister.

There are a few people there who have kept that boomerang centre going. Most of us probably know Tony, an excellent musician who organised variety nights. That sense of community helped a lot in the dropping of crime rates and in giving people perhaps a greater sense of community. Those are the sorts of things I would encourage the government to do in multiunit developments.

We need action plans, and we need more consultation between housing and the police. The Liberals are very keen to adopt and enforce acceptable behaviour agreements. There are also estate agreements, which will be complementary. Those are a positive way of bringing housing residents together in an inclusive manner so they feel empowered and supported to take on the responsibility of building their communities.

It seems that the current government has not demonstrated any will or plan to enhance or redevelop the Discovery Street public housing complex in Red Hill, which remains an

underdeveloped and undesirable place for many residents. We feel that these estate agreements would allow for a much better utilisation of resources and improved monitoring of service delivery and performance of the landlord—in this case housing. We feel they would provide public housing tenants with a sense of involvement and commitment on how housing is managed in a way that complements the needs of residents and reinforces their rights and responsibilities.

As well as that, New South Wales have acceptable behaviour agreements. In the past—I am going back close to 10 or 11 years—difficult tenants often did not pay their rent. I remember when I introduced policies to make sure that, after warnings, people who did not pay their rent were evicted. Housing managed to get rid of a lot of undesirable tenants who also had other problems and made life a misery for people.

It was often difficult then to get other tenants to go to court if they had trouble with their neighbours. In those days, luckily, most of the difficult people tended to be bad rent payers. I have noticed a new phenomenon over the last five or six years—that is that a lot of these difficult tenants do pay their rent. They are not evicted for that. Another phenomenon is that many people who are victims are now prepared to go to the tribunal and give evidence against those people.

There is a street in Kaleen where there are some incredibly difficult tenants—currently I think before the tribunal. Still nothing seems to happen there. Perhaps we also need to look at how well the tribunal is operating. But acceptable behaviour agreements are certainly the way to go, because once an unruly, difficult, selfish, antisocial tenant signs that agreement—and they would only sign it after there was a series of problems with them—that would be basically it. If they then breached that, they would be out. It is only a very small minority but these people are making other people's lives a misery. There are obviously great difficulties in terms of how this is enforced. Cooperation is needed between police and housing.

Mr Pratt said that a lot of these people are known to police. Why should they be above the law? Why should they not be dealt with according to the law? If they are making life a misery for other people—ordinary, decent, law-abiding battlers in housing complexes—why should the authorities—in this case the government—not deal firmly with these antisocial, totally selfish tenants who are preying on often elderly, frail, defenceless co-tenants? It is not acceptable, and we need to take some steps against it.

DR FOSKEY (Molonglo) (5.32): I will not speak for long. I know there is a bit of anxiety to get onto the human rights commission legislation, but I feel that I need to contribute something to this debate. The topic of Mr Pratt's MPI is "The impact of antisocial and criminal behaviour in the ACT". I want to draw a distinction between criminal behaviour and antisocial behaviour. I believe every one of us here would agree that there need to be proper measures taken to prevent criminal behaviour in the ACT, but it is the term "antisocial" that I think requires some delving into.

Just listening to the language of Mr Stefaniak—I admit that I did not pay such close attention to Mr Pratt's speech; so I cannot comment on the language he used—I have heard these words before from the Liberals. The words were "ordinary, decent, law-abiding people". That is meant to evoke I do not know what to someone like Steve or Bill. I am not sure.

The difference between the ordinary, decent, law-abiding people and the people they might complain about is not about evil and so on; it is about life circumstances. I think that there but for the grace of God—and we would all be ordinary, decent, law-abiding people. There are times when criminalising criminal behaviour is appropriate, but criminalising antisocial behaviour is a danger. I believe the Liberals in Victoria have promised to go down that road, but it is something I want to warn against here.

I appreciate Mr Stefaniak talking about and praising the community development approach that has been taken in the Bega and ABC flats. I have seen at first hand how important that is. It is a lot of work and it involves investment. It also involves designing spaces in a way that community outcomes are enhanced and not made more difficult to achieve.

I will speak just briefly about the rise of the antisocial behaviour order. I hope we do not go down that road here. I will quote from a paper written by Stan Winford, who is a lawyer and policy project officer in the Fitzroy Legal Service. I mention this because it is part of the Liberal Party platform in Victoria. I fear that we have osmosis between the states, and that might happen. It says that antisocial behaviour orders originated in the United Kingdom under the Crime and Disorder Act in 1998, became operational in 1999, and have been amended by the Police Reform Act of 2002 and the Antisocial Act of 2003.

What they can do is ban any individual, including young people over 10 years of age, both from carrying out specific acts and from entering certain geographical areas. They last a minimum of two years, but can be imposed for longer periods of time. They are made against individuals if they are deemed to have behaved in an antisocial manner that caused or was likely to cause harassment, alarm or distress.

Indeed, that is the kind of thing that I believe people are concerned about happening at the Red Hill shops. I would ask that governments look at other means before they introduce these, because they have the ability to be used against certain groups of people. I have had constituents from the indigenous community come to me and talk about how young Aboriginal men are so much more likely to be picked up just for being in a place—not for doing anything in particular but just for being there.

What happens is that a sense of harassment arises that then, in itself, can lead to antisocial behaviour, and that might go further into criminal behaviour. I am not saying that is inevitable, but if you exclude people and target them, you certainly set up a scene that is used to do that.

What happens in Britain is that, once people breach an antisocial behaviour order, they can be jailed for up to five years for conduct that would not normally be considered criminal. It says that by June 2005 almost 6,500 ASBOs had been issued in the UK and that the number ordered continues to rise exponentially each year.

Of course, what a fantastic mechanism for keeping the streets empty of people who might have troubling behaviours: people who are mentally ill, people who are drug dependent, people who are homeless. We heard just today of a survey that shows that too

many Australian people are not sympathetic to the circumstances in which people become homeless.

I think we are in a political environment, globally and nationally, where just being different in the streets or just evidently having a mental illness could be seen as sufficient order for an ASBO. Let us face it. That is a little bit like preventative detention, is it not? I believe it breaches our idea of human rights in this territory.

MR SPEAKER: The discussion is concluded.

Human Rights Commission Amendment Bill 2006

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

That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (5.39), in reply: This bill provides for the creation of a new human rights commission. It will consist of specialist commissioners who will deal with complaints about discrimination, health services, disability services, services for older people and services for children and young people in our community. The Human Rights Commission consists of the offices of the Disability and Community Services Commissioner, Discrimination Commissioner, Human Rights Commissioner, Health Commissioner, and Children and Young People Commissioner.

The new structure provides for one commissioner to perform the dual role of Human Rights Commissioner and Discrimination Commissioner, one commissioner to undertake the dual role of Disability and Services Commissioner and Children and Young People Commissioner, and one commissioner to perform the role of Health Services Commissioner.

The human rights commissioner role and discrimination commissioner role have already been separated as a result of amendments moved by Dr Foskey during debate on the original bill in 2005. These amendments simply provide the established framework for the human rights commissioner position.

Initially, it was intended that the Human Rights Commission would consist of a number of specialist commissioners and a president who would be responsible for administration of the commission and would be responsible for conciliating complaints. In this way, commissioners would be relieved of administrative tasks, with a statutory division of the complaints and conciliation roles.

In developing this bill the government took into account the need to clarify the role of the commission as an independent third party in the conciliation process whose task is to assist parties involved in a complaint to resolve the concerns giving rise to the complaint. Conciliation will be kept separate from the process of considering complaints by having it carried out by trained staff of the commission, or by specialist consultants engaged by the commission, where appropriate. This bill will reinforce, strengthen and improve the current structure of the commission so it can provide superior services to the community and the government.

I am grateful for the support of the opposition on this item, although I do not think I am in any way in agreement with the motives behind that support. Mr Stefaniak, in his comments earlier today, indicated that they agree with this because their preference is for the abolition of the commission in its entirety, it would appear. I think that really highlights that they are not interested in having a children's or a young persons' commissioner.

Mr Stefaniak: No, not at all.

MR CORBELL: You are going to keep that one?

Mr Stefaniak: We are keeping all the ones you had before the human rights commissioner.

MR CORBELL: Then you are not interested in having a disability and community services commissioner?

Mr Stefaniak: No.

MR CORBELL: You are going to keep that one.

Mr Stefaniak: It is the Human Rights Act that goes.

MR CORBELL: You are going to keep a discrimination commissioner, I assume?

Mr Stefaniak: We have a perfectly good discrimination act.

MR CORBELL: You are going to keep a human rights commissioner, I assume?

Mr Stefaniak: No. The Human Rights Act—

MR CORBELL: That is an interesting proposition. What that means, of course, is that you are going to have commissioners that look into protecting human rights, but you are not going to have a human rights commissioner.

That is the sort of strange position we see from the Liberal Party. We are going to have commissioners that are about protecting rights, but we are not going to have a human rights commissioner. I think that is a strange position for the opposition to adopt, but it just shows that it is opposition for the sake of it. It is opposition because it is an idea from the Labor Party, not an argument about the principles of the matter.

The changes we have made I know have attracted some criticism, and Dr Foskey has been most vocal in that regard. There is one critique that I would like to address from Dr Foskey. The issue about specialist generalist commissioners was the argument Dr Foskey was seeking to make.

I think our previous Human Rights and Discrimination Commissioner has demonstrated that combining roles within the one person can work very effectively, and has worked effectively in the past. Rosemary Follett, Human Rights and Discrimination

Commissioner; and Helen Watchirs, in her role as Human Rights and Discrimination Commissioner, demonstrated quite adequately that you can combine a number of roles and perform them well.

In the context of an environment where resources are limited, I think it makes sense to sensibly combine those roles where it is possible to do so. That is what we have sought to do. I have every confidence that we will attract strong candidates who will be able to effectively implement and act in their statutory roles, even though they are dealing perhaps with children and young people as well as another role—or in any other mix of roles. I think that is to the benefit of the territory overall in terms of cost effectiveness, whilst still providing that protection of rights that we are most interested in.

Finally, the removal of the role of president I think is a very sensible move. The president's role I guess is one of those roles you would have in an ideal world, but it is not essential. Conciliation can occur by the commissioners working together; administration can occur by the commissioners working together; and it can occur also through the bringing in of outside staff to assist with conciliation where that is appropriate.

I think that has been demonstrated to work well in existing arrangements. Certainly with the conciliation issue, I know the Health Complaints Commissioner does that on a very frequent basis. There is no reason why it cannot be done in this context as well with the new commission.

I thank members for their support, where they have given it. I trust that, with the passage of this legislation, we can now look forward to the implementation of the new commission structure and the filling of these statutory roles, which are very important to the protection of rights and opportunities for many people who are otherwise marginalised and disadvantaged in our community.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

Dragon Abreast Challenge

Rape case

Director of Public Prosecutions

MR STEFANIAK (Ginninderra—Leader of the Opposition) (5.46): On Sunday, a great event will be held to highlight cancer in women, especially breast cancer, and that is the

Dragon Abreast Challenge. The Pink Ladies, of course, will continue to paddle their dragon boat, which they have paddled for many years. They paddle regularly in competition and they are an absolute highlight of that event. There will be a number of spectacles at the event. Indeed, my colleague Mr Smyth, currently sin binned from this place for a couple of hours, will be one of the presenters of the trophy which he very kindly donated for this particular event.

I think that Mr Smyth will be in the Pink Ladies team. I will be paddling along in, I think, the Eurovision team. I am rather glad that we will be adjourning a bit early because I will be able to get to training. I have not done it for a while. It is a very good event and I think it is wonderful to see this issue, breast cancer, highlighted by such events, particularly the highly impressive efforts of the Pink Ladies team, which has done such a great job to highlight it over the years and regularly participates in dragon boat activities.

I wish to raise another couple of matters. Firstly, I had the privilege to sit in court a couple of weeks ago to witness an historic judgment and sentence handed down in relation to probably one of the nastiest series of rapes in Canberra. They occurred on about five separate occasions, with a number of offences occurring on each occasion, and terrorised north Canberra and the inner part of Belconnen for several years—I think from 2002 to 2005. Justice Connolly, in an historic decision, sentenced the offender, in what I felt was an incredibly logical and measured judgment, to 37 years in jail, with a non-parole period of 25 years.

A lot of the victims were in court. I think that the whole process was done in such a way as to greatly assist in closure, as much as you can ever have closure, for victims. As well as the excellent job of Justice Connolly, I thought that the efforts by both the defence counsel and the crown prosecutor were exemplary. It was an historic decision for the ACT. I think that decisions like that restore people's faith in the justice system.

On another matter, I noted with interest some of the comments made in the DPP's report. We will have the opportunity, obviously, through the annual reports process to investigate them further. It is a shame to see issues such as that raised in relation to problems between the DPP and the Supreme Court. A number of comments have been made already in the paper in relation to that, including by me. I would like to offer a suggestion there. I was pleased to see the law society offer to assist as well. Obviously, if the parties sit down and thrash out any difficulties, it will be good for the justice system.

I might say on the public record that the DPP is a fine man whom I have known for many years, as I have other staff in his office. Might I also say in relation to that that, if there are further difficulties with that, another suggestion I would make to the government is that it appoint a panel of, say, three recently retired judges, perhaps one from the ACT and two from interstate, just to look at the system, look at the issues and see whether they have any ideas and suggestions which would ensure that the system would be improved, to see whether there are any longstanding problems there and things that need to be fixed up or perhaps even knock a few heads together. I commend that idea to the government because it is worrying when things like that do crop up.

Financial Management Act—instruments
Land tax

MR MULCAHY (Molonglo) (5.51): Earlier today, late in the afternoon, we were presented with consolidated annual financial information and, whilst I have not had the opportunity to give great analysis to these documents, it was interesting to note the decrease in the operating surplus of some \$39 million in the publication of the interim outcome in the June quarter 2006 consolidated financial report. I think that was mentioned by the Chief Minister, but it certainly is clear in the documentation.

This financial result, which is reflective of the requirements under national reporting standards, came as a result of the reliance on the 10-year commonwealth bond rate, which at 30 June 2006 was 5.87 per cent, but the convention applied measures to the superannuation expense using the prevailing discount at the beginning of the financial year and that, based on the commonwealth rate as at 1 July, was 5.1 per cent, and that caused most of the \$39 million variation.

When one looks at the other aspects of these accounts, I suppose it is interesting to do so in the context of the extraordinary number of press statements the Chief Minister has put out in the last couple of days. He is getting very agitated and, as I said yesterday, he was very defensive about the land tax, the utilities tax and so on. As I have always predicted in the period since the budget, these things are starting to bite. It is my firm prediction that over the coming two years the people of Canberra are going to become more and more aware of just how savage the last ACT budget was.

What we have, of course, is an attempt to try to distort the concerns expressed by the opposition in relation to these tax measures and then to try to reconstruct those concerns and quantify them as a promise. We have a situation where Mrs Dunne has now twice been accused of making a commitment to abolish the water abstraction charge whereas, in fact, she has expressed concern that this method of raising revenue may raise some grave legal and constitutional issues.

If the government interprets that as saying abolition, I think that it is drawing a long bow. The whole point of that concern is that the territory has to be very careful that, if it institutes tax measures that are later found to be unlawful, we will present ourselves with bigger financial problems. I think there is growing suggestion that that may be under challenge and that is a matter of concern. It does not mean abolition. It may be that, if those revenues are needed, they should be raised in a more straightforward fashion than under the guise of something that they are not.

The same principle applies, of course, in relation to the utilities tax. My concern is with these backdoor, disguised taxes which we thought we had seen the end of. The relevance to the consolidated accounts is that we are seeing here a \$726 million GST revenue grant. The explanatory notes say that the increase of six per cent is consistent with last year and was driven by growth in the GST revenue pool of which the ACT receives approximately 1.9 per cent in the upward revision to the ACT's relative share of the GST revenue pool.

It is a bit disappointing that the government has decided not to proceed today with tax reform measures that were designed to bring in the forward years benefits to the people of Canberra of around \$28 million, but this is the literal commitment, and very much in a slowcoach approach, to the people of Canberra in return for the windfall GST. This government is continually dreaming up new taxes and charges and burying them in the budget papers and it is a while before people started to realise that. What we have seen with the utilities tax is that, instead of being up front about it, it is hidden in the accounts and we have a situation months after the budget was presented whereby it is now starting to cause agitation with utilities.

Land tax, representing now the highest rate on unimproved value on an average basis across Australia, is another method of hitting people hard and confusing the electorate by having so many different levels of taxes. So it is important to look into these accounts to see how much we are receiving from GST revenue and to recognise what the territory government is doing by indirect taxes.

Antipoverty Week Indigenous affairs

DR FOSKEY (Molonglo) (5.56): I want to acknowledge that this week is Antipoverty Week. The events began on Sunday with the SIEV X commemoration event which is recorded in the Antipoverty Week program and a wellbeing fiesta on Reid campus which was organised by Mary Gays of the Mental Health Foundation. There have been events every day of this week and they will conclude on Friday.

On Monday, Antipoverty Week was officially opened in the reception room by Richard Refshauge. It was a sobering event. Unfortunately, there was a shortage of MLAs there. I am hoping that some MLAs have been able to make at least one of the many events that have been held this week. I know that there were not any other MLAs at the event I organised last night, which was on the topic of making indigenous poverty history. That was the only event this week related specifically to indigenous issues in the ACT. I will go into a little bit of detail on that in a minute.

But first of all I want to thank Sue Packer and Kerrie Tucker, who were the people who did all the hard work of working with community organisations and individuals to organise all the events that have been held this week. It is important to think at least once a year about poverty and its impact on our people. Of course, indigenous people are amongst the most disadvantaged people in any community where they live. Canberra is no exception, though I am sure that we have a great deal more in services for indigenous people than lots of other jurisdictions.

Last night, I was very privileged to have as speakers Julie Tongs, who is the CEO of the indigenous health centre Winnunga Nimmityjah, and Aileen Blackburn, an indigenous woman from my neck of the woods, East Gippsland, coming from a place called Cann River. Interestingly, she, like me, moved to Canberra for similar reasons. She moved so that she could further her own education and the education of her children, because there was no secondary school in Cann River, just as there is no secondary school in the area that I lived. We chose Canberra because it has a good school system and because it is accessible from the areas where we lived.

I am sure most people are familiar with the work of Winnunga Nimmityjah, but what is really remarkable is that it is recognised that if a person presents with a health problem they are very likely to have a whole range of other issues to be dealt with, too. That is how Winnunga Nimmityjah works; it works with the whole person and it advocates for them if they are homeless, missing out on Centrelink pensions and so on. This is exactly the sort of service that we need and, as Julie Tongs said, it is a model that could be replicated in other jurisdictions.

Aileen Blackburn talked about her life and said about education that it is important for Aboriginal people to help them to advance themselves so that they can get work and so on, but it is not as simple as that. She struggled very hard to get an education and she has watched all her cousins, sisters and brothers struggle at schools where they basically have not been welcome. I think the lesson I got from that is that, particularly in relation to Narrabundah primary school, which has a very high level of indigenous children and is a school where they are actually happy to go to school, if you achieve that you have achieved a great deal. That community at the moment is fighting to maintain the structure of its school as it is because merging with a school that is so different and the loss of its principal, its own P&C and its school board would be very devastating for that school. (*Time expired.*)

Stem cell research and cloning

MRS DUNNE (Ginninderra) (6.01): Mr Speaker, members will be aware that the federal parliament is scheduled to debate stem cell research and whether it should be extended into the area of human cloning. The opinion pages and letters pages of major newspapers and a range of media panel discussions have put the argument that this is a matter of science and those of us with views based on religion should either play no part or argue from a position other than our own.

In the first place, the debate about stem cell research and cloning conflates a couple of ideas. One is about the beginning of life and the other is a question of rights. On the former, this is generally a scientific question. It is quite a simple one. It is clear from the moment of conception, whether natural or artificial, that a separate human individual is brought into being. Whether it survives or not is a matter of chance. In general, this will be a genetically unique individual, although in the case of cloning or identical twinning, this will not be the case.

Then there is the vexing question of what rights this individual acquires and when. One thing that is clear about that is that this is not a scientific question and therefore not one best left to scientists. Researchers may map the human genome, but no amount of work with a microscope can discover a human right. Nor for that matter is it fundamentally a question of law. This is a question squarely in the area of philosophy.

For those of us who believe in human rights, there is the question of their origin. Like most people in human history who have been interested in this question, I believe that human rights are divine in origin. Most of you will be familiar with the declaration in the US Declaration of Independence which says:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights.

Others assert a different theory of rights. Again, it is not my purpose to disagree with them, but simply to assert that the theory of human rights which forms the cornerstone of the US political system ought not to be completely excluded from consideration in this debate.

That brings me to another philosophical question, Mr Speaker. Many of us have observed that the recent debate on human cloning has not really been a meeting of minds. The opponents have for the most part argued that these are human beings and you cannot create and destroy them at will, whereas the supporters have responded that stem cell research carries the promise of unimaginable medical advances. Is it me, or is there a hint that we are seeking to achieve some sort of bodily immortality? Clearly, these are questions on different levels.

I am sceptical about the claimed benefits and the question of whether we need embryonic stem cells to achieve them. But even if we accept them, we have to consider how we reconcile these arguments. Until fairly recently, most people in society would have held that we do not do the wrong thing to achieve good outcomes, that the means do not always justify the end. That is the view that I hold as a Christian but it is not a uniquely Christian philosophy. Even now, few people would assert the contrary view, that is, consequentialism. Consequentialists prefer to say that good and evil are relative and not absolute terms and imply that using them as if they were absolute terms is old-fashioned. Responsible legislators cannot do that. We have to face up to these questions and we cannot rely on guilt by association or to ignore millennia of calm, rational thinking on questions of morality.

If politicians do, we simply begin to act as though the means justify the ends and we will find ourselves in a world where I do not think we will be happy to be, where people will get away with lying and we will condone torture and imprisonment without trial and order bombings of civilians, all in the cause of good. But will it really be a good cause?

Antipoverty Week Industrial relations

MR GENTLEMAN (Brindabella) (6.06): I would like to add some comments to Dr Foskey's speech a little while ago about Antipoverty Week. Tuesday, of course, was United Nations International Antipoverty Day. Australia has taken this important initiative one step further and organised a whole week of events surrounding this theme. The issue of poverty in Australia is of great concern to many. A poll conducted by the Australian Council of Social Service revealed that 77 per cent of Australians believe the gap between rich and poor is widening. It is nonsensical that poverty is rising at a time when Australia as a nation is getting richer.

At present, 100,000 Australians are homeless and 300,000 people are long-term unemployed. These figures are of great concern. I also take great issue with the staggering level of poverty experienced by those that are currently engaged in full-time work. The conditions of working Australians are rapidly declining under the federal

government's iniquitous and draconian WorkChoices legislation. Under the new commonwealth industrial relations system, workers are forced to work longer hours for lower wages. There needs to be an adequate minimum wage which not only enables people to make ends meet but also affords them some dignity and family wellbeing.

As part of the various activities and events organised for Antipoverty Week, the Liquor, Hospitality and Miscellaneous Union held a rally for cleaners outside Pilgrim House in Civic on Tuesday. The rally in Canberra was part of a broader national campaign whereby CBD cleaners from round Australia and New Zealand rallied in every capital city to focus attention on the effects of low paid work and poverty wages on their families and communities. The clean start: fair deal for cleaners campaign is at the forefront of unions fighting poverty.

A recent quarterly newsletter of the Australian Catholic Social Justice Council reported that many cleaners have a take home pay packet below the official poverty line. That is unacceptable and action such as that which was taken on Tuesday is imperative if we are to improve their position. These workers are the most vulnerable group in society. Cleaners are particularly vulnerable to exploitation because of the type of work they undertake and the socioeconomic background of the workers. Given the nature of cleaning work, it must be done outside normal working hours. These workers often work shifts as short as two hours. Very few cleaners are offered full-time work. That mean that even when appropriate hourly rates are offered, income from a single job is extremely low.

Most of the union members of the LHMU are workers with low skills and from non-English speaking backgrounds. For example, a young girl from Thailand has not been greeted with the Australian value of wealth for toil. Rakchanok Sothanaphasian started working as a cleaner at one of Sydney's top CBD office sites as soon as she arrived in Australia. However, to secure the job, Rakchanok needed to accept the company's policy of a one-month training period. Under this program, trainees undertake all the same tasks as other cleaners. However, they are not paid for the training period. These conditions are completely unacceptable and this is blatant exploitation.

Many of these workers are silenced because of their desperate situation or lack of access to certain welfare benefits and related support, due either to visa restrictions or simply ignorance of their rights at work. The LHMU is to be commended for the valued support that they provide for those workers. Despite the restrictions placed on the right of workers to collectively bargain under WorkChoices, the LHMU is committed to fighting this cause to the very end.

These cleaners are the invisible workers in most prestigious government and private corporate buildings across Canberra. On Tuesday, the rally made the very shrewd point of going through the AusAid building on Northbourne Avenue. AusAid recently released a white paper on fighting poverty in developing countries. The stated aim of the white paper is to help millions of people in the Asia-Pacific region to overcome the scourge of poverty and live in peace and prosperity. This is a valuable report, no doubt. However, it needs to be recognised that many Australians are living in poverty. The number of people living below the poverty line is growing every day, a fact that no longer can be ignored by the federal government. Although the clean start campaign has begun with

office cleaners, it will eventually encompass all industry workers. Even our national anthem supports the idea of wealth for toil. (*Time expired.*)

Land tax

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, and Minister for the Arts) (6.11): Mr Speaker, I express my regret at holding up the Assembly, but there are a number of issues that I would like to address today. One, and I think most significantly, is the difficulty which the shadow Treasurer has had with his facts in relation to land tax. Just yesterday the shadow Treasurer informed us that he was boggled by land tax figures. Indeed, we can see from a release of his today that he certainly is boggled, not just in mind but in his facts as well.

In fact, an appropriate new title for the shadow Treasurer might be Boggles Mulcahy. I do recall Gareth Evans gloried in the name of Biggles for many years, Biggles Evans, and we have in the Assembly in all his glory Boggles Mulcahy, boggled in facts and boggled in mind. Today, Mr Mulcahy, in I think the most remarkable display of ignorance ever by a shadow Treasurer, completely misconstrued and misrepresented the way in which land tax is computed. His arithmetic really cannot be as bad as is expressed in his press release today. It must be a result of a complete and total misunderstanding of the way in which land tax is computed.

In his release, Mr Mulcahy suggests that the land tax on a median house price of \$386,000 would be \$5,411. Mr Mulcahy seems to believe that land tax is computed on median house prices, not on the unimproved value of the land. Of course, you would imagine or see immediately the enormous difference that this involves. In fact, the land tax that Mr Mulcahy quotes in his release of \$5,411, in order to be computed, would be the land tax on a piece of land with an unimproved land value of around half a million dollars. Indeed, \$479,000 would be the value of the land that would attract a land tax of \$5,411, not a combined land and house value of \$386,000, as quoted by Mr Mulcahy.

Can you get more off track than that? Can you be more boggled than that in terms of your understanding? It is not just that his numbers are wrong, that it is some little slip up, that he looked at the wrong line. He seeks to compute land tax on house prices and values, not on unimproved land value. So, in the context of this debate which we have engaged in over the last few days about the Liberal Party's attitude to land tax and the very clear message which we are getting from the shadow Treasurer that a Liberal Party in government would abolish land tax, I think it is important that we redirect Boggles Mulcahy to how it is computed and what the facts are.

Indeed, this \$5,411 land tax bill that he attributes to a median house price of \$386,000 is so far from the truth. The average land tax on a residential property in the ACT is \$1,300. The only blocks of land in the ACT that would attract land tax of that order are in Mugga Way and O'Malley, I would think. I do not know how many investment properties there are in Mugga Way or O'Malley, but they are obviously of great concern to Mr Mulcahy.

I would also like to respond to the continuing irony of the shadow Treasurer objecting to the quantum of the surplus. The surplus certainly has reduced this year as a result of the

application of a new technical accounting assumption in relation to Australia equivalent to international reporting standards which did reduce the surplus by \$39 million, a purely technical adjustment to accounting standards, but it remains the largest ever, I believe, surplus produced by an ACT government, including seven years of Liberal government. It is ironic in the extreme that the shadow Treasurer would stand up in this place and seek to draw some comfort from the fact that the largest ever surplus delivered by an ACT government is not quite as large. It is still the largest ever surplus delivered by an ACT government, but it is not quite as large as we had thought at the time of the budget.

It is a totally technical adjustment and, of course, justifies the moves we have made. As to the amazing suggestion that it was a pity that I did not bring on the duties bill for debate today, it was not brought on because of the puerile stunt of moving a censure motion that took one and a half hours. I wanted to debate it. We did not get through our business. In fact, today the Liberals through their crass behaviour have prevented the government from doing the business of government. (*Time expired.*)

Question resolved in the affirmative.

The Assembly adjourned at 6.16 pm until Tuesday, 14 November 2006 at 10.30 am.

Answers to questions

Prisoners—remand (Question No 1172)

Mr Stefaniak asked the Attorney-General, upon notice, on 15 August 2006:

- (1) How many people were on remand in the ACT as at 1 June 2006;
- (2) How many of those remandees in part (1) were kept at (a) Belconnen Remand Centre and (b) Symonston;
- (3) How many of those remandees in part (1) were (a) male and (b) female.

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

- (1) The number of ACT remandees as at 1 June 2006 was 68.
- (2) Of those 68 remandees, 51 were held at Belconnen Remand Centre (BRC) and 17 were held at Symonston Temporary Remand Centre (STRC).
- (3) Of the 51 remandees held at the BRC, 45 were male and 6 were female.
Of the 17 remandees held at the STRC, 14 were male and three were female.

Drugs (Question No 1190)

Dr Foskey asked the Minister for Health, upon notice, on 23 August 2006 (*redirected to the Minister for Police and Emergency Services*):

- (1) What is the number of recorded overdose deaths from illicit drugs for (a) 2004, (b) 2005 and (c) current year to date;
- (2) What is the number of ambulance callouts for emergencies relating to illicit drugs for the same years as above, broken down on a month-by-month basis.

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

- (1) Deaths reported to the ACT Coroner where an illicit drug overdose was identified as the cause of death for (a) 2004, (b) 2005 and (c) current year to date.

Year	Overdose deaths from illicit drugs in the ACT
2004	9
2005	9
2006 (up to 31 August 2006)	7
Total	25

Source: National Coroners Information System (NCIS)

Some cases identified in the above table are still open on the National Coroners Information System and, as such, numbers may change over time.

The 2006 figure has been obtained by conducting a keyword search (“drug overdose”) of the autopsy reports due to the coronial cases not yet having been entered by the coronial office staff onto the database. As the terms used within the autopsy documents are not standardised, this should be taken into account when interpreting search results.

(2) The following information relates to the number of ambulance call outs that relate to heroin overdose.

- (a) January – 14
February – 15
March – 21
April – 23
May – 22
June – 17
July – 7
August – 13
September – 13
October – 5
November – 7
December – 4
- (b) January – 3
February – 9
March – 12
April – 13
May – 14
June – 9
July – 11
August – 14
September – 10
October – 10
November – 2
December – 9
- (c) January – 3
February – 3
March – 2
April – 1
May – 2
June – 5

Figures for July and August 2006 are not available at this point as Patient Care Records for those months are currently being analysed.

**Prisoners—sentencing
(Question No 1198)**

Mr Seselja asked the Attorney-General, upon notice, on 24 August 2006:

In relation to the percentage of prisoners sentenced in ACT Courts—

- (1) What statistical figures are available from (a) JACS, (b) Treasury, (c) NSW Dept of Corrective Services and (d) other sources, that would provide details of ACT prisoners held in NSW prisons on a yearly basis for any of the years 1997-2001 and 2001-2006?
- (2) Of those prisoners identified in (1), how many from the above or other sources were sentenced for crimes committed in the ACT each year for the period June 1997 to June 2006;
- (3) Of those prisoners identified in (2), how many listed an address in (a) the ACT at the time of their arrest, (b) Queanbeyan at the time of their arrest, (c) the NSW region close to ACT (Yass, etc), excluding Queanbeyan, at the time of their arrest, (d) NSW, excluding (b) and (c), at the time of their arrest, (e) the Northern Territory or States other than NSW at the time of their arrest and (f) outside Australia at the time of their arrest.
- (4) Of those prisoners identified in (2), (a) how many ACT prisoners were held in maximum security in NSW prisons and (b) how many of those prisoners listed an address in (i) the ACT at the time of their arrest, (ii) Queanbeyan at the time of their arrest, (iii) the NSW region close to ACT (Yass, etc), excluding Queanbeyan, at the time of their arrest and (iv) NSW, excluding (b) and (c), at the time of their arrest.

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

- (1) Statistical figures are available from the Australian Bureau of Statistics publications and the Report on Government Services. The data for these publications is sourced from the NSW Department of Corrective Services.
- (2) All ACT prisoners have sentences imposed for crimes committed in the ACT.
- (3) To answer this question would require the manual extraction of the requested information. As such, it is too resource intensive an exercise to justify answering within the allowed timeframe.
- (4) Table 1 below provides the average number of prisoners held in maximum security in NSW prisons. As per question 3, it is too resource intensive an exercise to collate the required data on prisoners at the time of arrest to justify answering within the allowed timeframe.

Table 1. Average number of ACT prisoners in maximum security in NSW prisons for financial years 1997- 2006

Year	Avg number of prisoners in maximum security
1997- 1998	12
1998- 1999	13
1999- 2000	12
2000-2001	14
2001- 2002	12
2002- 2003	11
2003- 2004	7
2004- 2005	7
2005- 2006	11

**Schools—demountable classrooms
(Question No 1199)**

Mr Smyth asked the Minister for Education and Training, upon notice, on 24 August 2006:

- (1) What is the cost of purchasing demountable classrooms;
- (2) To date, how many demountables have been purchased for schools to accommodate students who currently attend schools that are proposed to close;
- (3) Are there any surplus demountables; if so, how many;
- (4) To date, how many demountables have been relocated;
- (5) What is the cost of maintaining demountables.

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

- (1) The estimated cost of purchasing a new two classroom transportable building is around \$200 000. This does not include the cost of installation of the building and any required ancillary work, such as playground and car parking expansion that has the potential to bring the cost up to around \$400 000.
- (2) To date, no transportable classrooms have been purchased to accommodate students from schools proposed to close.
- (3) At this point in time no surplus transportable classroom buildings have been confirmed as available from other schools.
- (4) During 2006 no transportable buildings have been relocated.
- (5) Maintenance costs of transportable buildings are influenced significantly by the age and robustness of construction. The Department of Education and Training is not able to isolate maintenance costs for individual transportable classroom buildings. As an estimate, normal maintenance costs would not be expected to exceed \$2 000 to \$3 000 per year.

**Emergency Services Authority
(Question No 1200)**

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 24 August 2006:

- (1) What has been the financial cost to the ACT of the implementation of the recommendations of the McLeod Report and other matters related to the establishment of the Emergency Services Authority for each financial year since 2003-04.
- (2) How many additional staff have been employed by the ACT Government in response to the recommendations of the McLeod Report and the other decisions related to the establishment of the Emergency Services Authority for each financial year since 2003-04.

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

The nature of the recommendations is such that their implementation is inextricably inter-related with the normal business of running and enhancing the operation of the emergency services.

It would not be possible to identify all the specific resources and specific staff activities that are directly related to McLeod recommendations. The establishment costs for the Emergency Services Authority were provided in the Budget papers at the time.

Public service—corporate credit cards (Question No 1202)

Mr Smyth asked the Chief Minister, upon notice, on 24 August 2006:

- (1) How many corporate credit cards provided by the ACT Government were on issue to ACT public servants as at 30 June 2006;
- (2) What criteria are applied in deciding who is entitled to an ACT Government corporate credit card;
- (3) What was the total limit of credit that was available for corporate credit cards that have been issued as at 30 June 2006;
- (4) What was the extent of use of the credit that was available on these corporate credit cards for the financial year 2005-06;
- (5) What arrangements are in place to audit the use of corporate credit cards that have been issued by the ACT Government;
- (6) Who undertakes the audit of these corporate credit cards;
- (7) Have any instances of inappropriate use of corporate credit cards been identified either as a consequence of an audit process or from any other investigations of the use of corporate credit cards;
- (8) Has any evaluation been undertaken of the value received by the ACT community from the use of corporate credit cards; if so, what was the outcome of this evaluation; if not, why not.

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

- (1) The Number of credit cards on issue as at 30 June 2006 is as follows:

Department	Number of credit cards on issue
ACT Health	80
ACT Planning and Land Authority	7
Canberra Institute of Technology	62
Chief Minister's Department, including the Department of Economic Development	19

Cultural Facilities Corporation	12
Disability Housing and Community Services, including Housing ACT	16
Education and Training	44
Exhibition Park in Canberra	1
Gambling and Racing	5
INTACT	5
Justice and Community Services, including ACT Workcover and Emergency Services.	78
Land Development Agency	1
Territory and Municipal Services, including Cemeteries	111
Treasury, including the Superannuation Unit	4

- (2) Corporate credit cards are issued to officers whose responsibilities include regular purchasing of goods and services in accordance with policies and financial instructions authorised by agency Chief Executives.

Excerpt: Model Chief Executive Financial Instructions
Section 2.9

“To be eligible for a card, the applicant must be a permanent officer of the ACT Government and the position the applicant occupies must have a financial delegation to incur expenditure. The applicant will also need to demonstrate a need for the card and the application is approved by the Chief Executive.”

- (3) The total limit of credit available for card/s issued as at 30 June 2006 is as follows:

Department	Total limit of credit available
ACT Health	\$598,000 credit limit
ACT Planning and Land Authority	\$50,000 credit limit
Canberra Institute of Technology	\$345,000 credit limit
Chief Minister’s Department, including the Department of Economic Development	\$173,000 credit limit
Cultural Facilities Corporation	\$52,000
Education and Training	\$336,550 credit limit
Disability Housing and Community Services, including Housing ACT	\$129,000 credit limit
Exhibition Park in Canberra	\$2,500 credit limit
Gambling and Racing	\$18,000 credit limit
INTACT	\$27,000 credit limit
Justice and Community Services, including ACT Workcover and Emergency Services.	\$444,000 monthly credit limit
Land Development Agency	\$20,000 credit limit
Territory and Municipal Services, including Cemeteries	\$702,500 credit limit
Treasury, including the Superannuation Unit	\$20,000 credit limit

- (4) The extent of use of credit that was available on the cards for the 2005-06 financial year are as follows:

Department	Use of available credit
ACT Health	Monthly amounts ranged from \$36,984 in January to \$79,482 in June.
ACT Planning and Land Authority	100% available monthly credit average
Canberra Institute of Technology	\$620,000 total usage
Chief Minister's Department, including the Department of Economic Development	\$198,198 total usage
Cultural Facilities Corporation	\$83,546 total usage
Disability Housing and Community Services	15% available monthly credit average
Education and Training	\$377,740 total usage
Exhibition Park in Canberra	\$7,051 total usage
Gambling and Racing	\$15,081 total usage
INTACT	\$48,085 total usage
Justice and Community Services including ACT Workcover and Emergency Services.	\$384,000 total usage
Land Development Agency	\$11,514 total usage
Territory and Municipal Services, including Cemeteries	12% on average over the year.
Treasury, including the Superannuation Unit	\$7,472.97 total usage

- (5) Detailed policies and procedures, incorporated in the Chief Executive Financial Instructions, govern the use of corporate credit cards with regular audits and reviews undertaken. Cardholders must provide monthly reconciliations to the Credit Card Administration Office in the Corporate Finance area. Internal Audit systems conduct periodical reviews.
- (6) Monthly expenditure is sighted by senior officers in all agencies. Audits of Corporate Credit Cards are completed by a member of the internal audit unit or may be contracted out to an external company. External audits are also conducted by the ACT Auditor-General's Office.
- (7) For the majority of agencies no instances of inappropriate use of corporate credit cards have been identified either as a consequence of an audit process or from any other investigations of the use of corporate credit cards.

The following table records the agencies that have identified instances of inappropriate use.

The identified instances of inappropriate use are as follows:

Department	Instances of inappropriate use	Supporting Commentary
ACT Health	Two incidents identified through the monthly checking process.	In both instances the Corporate Credit Card had been mistakenly used instead of the Personal Credit card and the amounts were promptly repaid to ACT Health.

Gambling and Racing	One instance of unauthorised activity.	The bank identified and subsequently investigated the unauthorised activity. The unauthorised activity was reversed and all fees and charges refunded.
Justice and Community Services including ACT Workcover and Emergency Services.	Two payments were made in relation to fines where responsible officers could not be identified.	A performance audit of credit card use was undertaken by the ACT Auditor-General's Office. Action has been taken to refine process.
Land Development Agency	Earlier in 2006, an attempt to fraudulently misuse LDA's corporate credit card by telephone transactions was detected by the Department of Urban Services, who referred the matter to the Federal Police.	The amounts involved totalled just over \$2,000 and the Commonwealth Bank has reimbursed the funds to LDA. Federal Police investigations are proceeding.

(8) No formal evaluation has been undertaken to determine the value received by the ACT community. Benefits arise where credit cards provide significant efficiencies in the purchasing and payment process. The use of a Corporate Credit Card:

- is considered cost effective both in terms of the time taken to process a financial transaction and in paying a creditor promptly;
- reduces paperwork and simplifies processing of routine office type transactions;
- provides detailed bank records of expenditure;
- is highly efficient for field staff operating in remote locations, out of hours and/or at short notice; and
- is a preferred form of payment for the majority of suppliers and is considered an important facility for purchasing in the current market.

In addition, corporate credit cards are used, not just by governments, but also by private sector companies. With the shift to electronic transactions, it is sometimes difficult to make payments without access to a credit card.

Disabled persons—support (Question No 1203)

Mr Smyth asked the Minister for Disability and Community Services, upon notice, on 24 August 2006:

- (1) What has been the financial cost to the ACT of the implementation of the recommendations of the (a) Gallop Report for each financial year since 2001-02 and (b) Vardon Report for each financial year since 2003-04
- (2) How many additional staff have been employed by the ACT Government in response to the recommendations of the (a) Gallop Report for each financial year since 2001-02 and (b) Vardon Report for each financial year since 2003-04.

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

- (1a) The Government agreed to 43 of the 50 recommendations of the Board of Inquiry into Disability Services. The new recurrent funding provided to Disability ACT during 2002-03 to 2006-07 was \$10.36m. The Gallop Report has resulted in changes to the operations of Disability ACT. These have been financial and non-financial changes. Isolating the costs specially related to the Gallop Report recommendations cannot be done and would understate the change effort being undertaken.
- (1b) Again for the Vardon Report, the new recurrent funding provided to the Office of Children Youth and Family Services, and not necessarily directly related to recommendations of the Vardon Report, during the period 2003-04 to 2006-07 was \$33.1m. Isolating the costs specifically related to the Vardon Report recommendations would be difficult to do and would understate the change effort being undertaken across the Department and other agencies.
- (2a) In 2005-06, Disability ACT employed 303 FTE staff. The Gallop Report has influenced staff recruitment in Disability ACT as a result of operational changes to the organisation although direct attribution to Gallop recommendations is an inefficient use of resources and has not been undertaken.
- (2b) The Vardon Report has influenced staff recruitment in OCYFS as a result of operational changes and additional skill training however the exact number of additional staff employed as a direct result of implementing the Vardon Report recommendations is impossible to quantify. Significant efforts have been made to recruit qualified care and protection staff. This has been difficult to achieve due to the national shortage of qualified social workers. This led to OCYFS undertaking an international recruitment campaign which resulted in an increase in a number of qualified care and protection workers being employed. The number of OCYFS care and protection workers has doubled from 51 staff in April 2004 to 110 in July 2005.

	2004-05	2005-06	2006-07
Actual Staff FTE	344.5	346.4	378 - budget

**Senior executive service
(Question No 1209)**

Dr Foskey asked the Chief Minister, upon notice, on 19 September 2006:

How many employees in the ACT Senior Executive Service formerly have been employed (a) by Federal Labor Members, (b) by ACT Labor Members and (c) elsewhere by the Labor Party.

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

I am unable to answer the Member's question, as this type of employment information is not recorded as part of the recruitment process or on personnel files. Executives in the ACT Public Service are recruited on merit.

**Development—City Markets
(Question No 1210)**

Dr Foskey asked the Minister for Planning, upon notice, on 19 September 2006:

- (1) In relation to the development of section 84 and 89 in Civic, was the additional retail space permitted in the City Markets building included in the calculations of the change of use charge levied on Queensland Investment Corporation (QIC) in 2005;
- (2) What powers do the ACT Government have to ensure that QIC does not use land designated for residential development as a car park for a number of years in the hope of a later change of use for more profitable development;
- (3) Can the Minister provide an estimate of revenue foregone by the Territory when it sold these blocks to QIC rather than keeping them in public hands until the buildings were to be developed.

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

- (1) No. The additional retail space for the City Markets building was the subject of a separate Development Application and change of use charge determination.
- (2) The current Crown lease permits the land to be used for car park and constructing the works and buildings in accordance with the requirements of the Deed of Agreement between QIC and the Territory. Should QIC wish to change the use of the land they will need to obtain Development Approval to vary the Crown lease.
- (3) The former Liberal Government sold the site to QIC through a competitive process.

**ACTION bus service—passenger load
(Question No 1211)**

Dr Foskey asked the Minister for the Territory and Municipal Services, upon notice, on 19 September 2006:

Has the ACT Government noted the increase in passenger load for ACTION route 703 express buses; if so, will the Government be making any changes to route 703 to cope with the increased load.

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

- (1) Yes. ACTION has introduced interim changes to the route 703 service until the introduction of the new network under which more permanent enhancements to the service will be introduced.

**ACT Academy of Sports—scholarships
(Question No 1212)**

Mr Stefaniak asked the Minister for Tourism, Sport and Recreation, upon notice, on 19 September 2006:

- (1) When will a decision be made about ACT Academy of Sports scholarships for 2007;
- (2) If a decision has already been made, how many athletes will receive scholarships for 2007;
- (3) How many scholarships were given for 2006;
- (4) What factors will you take into consideration when awarding scholarships.

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

- (1) A decision will be made when the budget is finalised and consultation with relevant National Sporting Organisations (NSO) and State Sporting Organisations (SSO) is completed.
 - (2) No decision has been made.
 - (3) There were 250 scholarship positions available for 2006 with 243 accepted by 30/6/06.
 - (4) Scholarship selection criteria for all squad programs is being developed in consultation with the relevant NSO and SSO. The awarding of scholarships for 2007 will be based upon these criteria.
-

Business ACT (Question No 1213)

Mr Mulcahy asked the Chief Minister, upon notice, on 19 September 2006 (*redirected to the Minister for Business and Economic Development*):

- (1) How is the ACT Government managing the process and timing of redundancies at Business ACT;
- (2) Is the redundancy process at Business ACT creating ambiguity around the finality of employment for staff leaving the organisation;
- (3) Is Business ACT allowing employees to leave the organisation without a redundancy payment because they have already secured work elsewhere.

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

- (1) Redundancies at BusinessACT are being managed in accordance with the provisions of the department's certified agreement.
 - (2) In accordance with the certified agreement, staff have been consulted and involved in organisational change. Written information provided on voluntary redundancies follows processes outlined in the certified agreement.
 - (3) Voluntary redundancy payments in BusinessACT are being made in accordance with the certified agreement. Staff whose positions are not affected by restructuring (for example, staff on temporary transfer with substantive positions elsewhere) may terminate their employment as they wish.
-

**ScreenACT
(Question No 1214)**

Mr Mulcahy asked the Chief Minister, upon notice, on 19 September 2006 (*redirected to the Minister for Business and Economic Development*):

- (1) What proportion of ScreenACT funding to date has been awarded to recipients which (a) are commercial production houses, (b) actually produce film and television content and (c) have their head offices in the ACT;
- (2) Who are the top five recipients of ScreenACT funding to date and what amount of funding have they received;
- (3) Is ScreenACT funding subject to peer assessment or independent assessment;
- (4) If ScreenACT funding is subject to peer assessment, who currently comprises the peer committee.

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

- (1) In relation to ScreenACT discretionary funding:
 - a. Around 13% of the funding went to organisations or individuals who engage in commercial production - the majority of the discretionary funding was aimed at the sponsorship of industry events;
 - b. It is unknown what proportion of recipients actually produce film and television content as this was not a criterion for funding under this program;
 - c. All but one of the recipients of discretionary grant funding from ScreenACT were Canberra region based.
 - (2) The top recipients of ScreenACT discretionary funding in the financial years 2004/2005 and 2005/2006 were:
 - a. The Games Developers Association (\$25,000)
 - b. The Academy of Interactive Entertainment (\$13,252)
 - c. The Australian International Documentary Conference (\$8,000), and
 - d. a range of individuals to attend various industry activities (\$6,874 in total)
 - (3) The ScreenACT discretionary funding budget was not subject to peer assessment. Applications were assessed on their merits on an individual basis.
 - (4) Not Applicable.
-

**Crime—Manuka
(Question No 1215)**

Mr Mulcahy asked the Minister for Police and Emergency Services, upon notice, on 19 September 2006:

- (1) How many offences have been reported in the Manuka area in the past six months in relation to (a) burglary, (b) armed hold-ups, (c) vandalism, (d) theft and (e) assault;

- (2) What has been the percentage of “clean-ups” for example, apprehensions and/or prosecutions in each of the categories in part (1);
- (3) Are any additional policing measures being considered for the area in light of the above.

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

- (1) In the period late March to late September 2006 there were 62 burglary / property theft offences recorded in the Manuka area; 17 property damage offences which includes vandalism and five assault offences. There were no armed robbery offences during the six month period. While any one particular incident may involve a number of offences, the examination of specific individual offender / offence data is overly time and labour-intensive and has therefore not been undertaken.
- (2) During this six month period, approximately 10% of the aforementioned offences resulted in apprehensions. While prosecutions and corresponding results data may be available to ACT Policing, the processes involved and time required to adequately extract and examine this data is too prohibitive in this instance.
- (3) ACT Policing employs a priority response model when responding to crime. Additionally, ACT Policing utilises an intelligence-led methodology to identify and target crime ‘hot spots’ in the ACT. In this regard, reports from members of the public are important and assist police to target potentially problem areas. Police presence in the Manuka area in particular, will therefore vary according to both priorities and intelligence at any given time.

**Public service—freedom of information requests
(Question No 1216)**

Mr Smyth asked the Chief Minister, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

The information the Member has sought is contained in departmental Annual Reports for the years 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06.

For year to date 2006-07, three freedom of information requests have been refused as the department held no relevant documents, and six have been partially granted.

**Public service—freedom of information requests
(Question No 1217)**

Mr Smyth asked the Minister for Planning, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

- (1) (a) – (e) The member may refer to the relevant agency Annual Reports.
(f) In relation to 2006-07 (as at 20 September 2006), no FOI requests have been refused by the ACT Planning and Land Authority or the Land Development Agency.
 - (2) (a) – (e) The member may refer to the relevant agency Annual Reports.
(f) In relation to 2006-07 (as at 20 September 2006), the ACT Planning and Land Authority has granted partial access to documents in response to three FOI applications; the Land Development Agency has granted partial access to documents in response to two FOI applications.
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**Public service—freedom of information requests
(Question No 1218)**

Mr Smyth asked the Minister for Women, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

- (1) None.
 - (2) None.
-

**Public service—freedom of information requests
(Question No 1219)**

Mr Smyth asked the Minister for Indigenous Affairs, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

1. As Indigenous Affairs was part of CMD from 2001-02 to 2005-06, this information can be found in the CMD annual reports for those years. In 2006-07 there have been no refusals to FOI requests relating to Indigenous Affairs.
2. None

**Public service—freedom of information requests
(Question No 1220)**

Mr Smyth asked the Minister for the Arts, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

The information the Member has sought is contained in departmental Annual Reports for the years 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06.

For year to date 2006-07, no freedom of information requests have been refused and none have been partially granted.

**Public service—freedom of information requests
(Question No 1221)**

Mr Smyth asked the Minister for Health, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

(1) The number of FOI requests that have been refused by ACT Health in the financial years;

- a. 2001 – 02: refer to annual report
- b. 2002 – 03: refer to annual report
- c. 2003 – 04: refer to annual report
- d. 2004 – 05: refer to annual report
- e. 2005 – 06: refer to annual report
- f. 2006 – 07: nil

(2) The number of FOI requests have been partially granted by ACT Health in the financial years;

- a. 2001 – 02: refer to annual report
- b. 2002 – 03: refer to annual report
- c. 2003 – 04: refer to annual report
- d. 2004 – 05: refer to annual report
- e. 2005 – 06: refer to annual report
- f. 2006 – 07: nil

Public service—freedom of information requests (Question No 1222)

Mr Smyth asked the Minister for Disability and Community Services, upon notice, on 19 September 2006:

(1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;

(2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

(1) Refusals * for

2002-03	2003-04	2004-05	2005-06	2006-07
1	2	3	3	1

*This includes those circumstances where the requested document did not exist and as such could not be provided.

(2) Partially granted

2002-03	2003-04	2004-05	2005-06	2006-07
8	4	28	22	2

**Public service—freedom of information requests
(Question No 1223)**

Mr Smyth asked the Treasurer, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

- (1) (a) – (e) This information is available from the Department of Treasury's Annual Reports for each year.
(f) In the period 1 July – 19 September 2006 the Department of Treasury has refused one Freedom of Information request (this was a technical refusal, as Treasury held no documents relevant to the request).
 - (2) (a) – (e) This information is available from the Department of Treasury's Annual Reports for each year.
(f) In the period 1 July – 19 September 2006 the Department of Treasury has partially granted two Freedom of Information requests.
-

**Public service—freedom of information requests
(Question No 1224)**

Mr Smyth asked the Attorney-General, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

- (1) No (nil) FOI requests were refused by the Department of Justice and Community Safety for the period commencing 1 July 2006 and ending on 28 September 2006. The other information sought is set out in the Department of Justice and Community Safety's annual reports.
 - (2) Two FOI requests were partially granted by the Department of Justice and Community Safety for the period commencing 1 July 2006 and ending on 28 September 2006. The other information sought is set out in the Department of Justice and Community Safety's annual reports.
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**Public service—freedom of information requests
(Question No 1225)**

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

- (1) No (nil) FOI requests relating to emergency services were refused by the Department of Justice and Community Safety for the period commencing 1 July 2006 and ending on 28 September 2006.
 - (2) No (nil) FOI requests relating to emergency services were partially granted by the Department of Justice and Community Safety for the period commencing 1 July 2006 and ending on 28 September 2006.
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**Public service—freedom of information requests
(Question No 1226)**

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

The information the Member has sought is contained in the Chief Minister's Department and Department of Economic Development Annual Reports for the years 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06.

The Chief Minister's Department has supported the Business and Economic Development portfolio from 1 July 2006. The Chief Minister has provided a response in relation to that period.

**Public service—freedom of information requests
(Question No 1227)**

Mr Smyth asked the Minister for the Territory and Municipal Services, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

- (1) (a) – (e) See relevant annual reports; (f) 0
- (2) (a) – (e) See relevant annual reports; (f) 6

**Public service—freedom of information requests
(Question No 1228)**

Mr Smyth asked the Minister for Housing, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

1. Refusals * for

2002-03	2003-04	2004-05	2005-06	2006-07
9	0	6	7	0

* This includes those circumstances where the requested document did not exist and as such could not be provided.

2. Partially granted

2002-03	2003-04	2004-05	2005-06	2006-07
49	60	33	60	8

ACT Housing was part of the Department of Urban Services in 2001-02 and the requested figures for that financial year are not available.

**Public service—freedom of information requests
(Question No 1229)**

Mr Smyth asked the Minister for Multicultural Affairs, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

1. None
 2. None
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**Public service—freedom of information requests
(Question No 1230)**

Mr Smyth asked the Minister for Education and Training, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

- (1) (a) to (e) The information for previous financial years from 2001-02 to 2005-06 is provided in the Department's Annual Reports.
(f) One FOI request has been refused for the financial year 2006-07 to date.
 - (2) (a) to (e) The information for previous financial years from 2001-02 to 2005-06 is provided in the Department's annual reports.
(f) Seven FOI requests have been partially granted for the financial year 2006-07 to date.
-

**Public service—freedom of information requests
(Question No 1231)**

Mr Smyth asked the Tourism, Sport and Recreation, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

- (1) (a) – (e) See relevant annual reports; (f) 0
- (2) (a) – (e) See relevant annual reports; (f) 6

Public service—freedom of information requests (Question No 1232)

Mr Smyth asked the Minister for Industrial Relations, upon notice, on 19 September 2006:

- (1) How many freedom of information (FOI) requests have been refused by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date;
- (2) How many FOI requests have been partially granted by your department in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06 and (f) 2006-07 to date.

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

The Chief Minister's Department supports the Industrial Relations portfolio. The information the Member has sought is contained in the Chief Minister's Department Annual Reports for the years 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06.

The Chief Minister has provided a response in relation to the period from 1 July 2006.

Hospitals—triage presentations (Question No 1233)

Mr Smyth asked the Minister for Health, upon notice, on 19 September 2006:

What is the change in actual numbers, as well as percentages, in presentations to the Emergency Department of (a) The Canberra Hospital and (b) Calvary Public Hospital from the 2004-05 financial year to the 2005-06 financial year for each of the five triage categories.

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

- (a) The Canberra Hospital

	2004-05	2005-06	Var	% Var
Catetory 1	894	687	-207	-23%
Category 2	4 980	4,869	-111	-2%
Category 3	15 060	18 230	3 170	21%
Category 4	23 683	25 268	1 585	7%
Category 5	4 237	3 907	-330	-8%
Total	48 854	52 961	4 107	8%

(b) Calvary Public Hospital

	2004-05	2005-06	Var	% Var
Category 1	139	140	1	1%
Category 2	1 997	1 514	-483	-24%
Category 3	11 526	12 956	1 430	12%
Category 4	19 626	23 068	3 442	18%
Category 5	11 540	8 977	-2 563	-22%
Total	44 828	46 655	1 827	4%

**Public service—privacy guidelines
(Question No 1234)**

Mr Stefaniak asked the Chief Minister, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;
- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

- (1) Nil.
- (2) Not applicable.

**Public service—privacy guidelines
(Question No 1235)**

Mr Stefaniak asked the Minister for Planning, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;
- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

(1) None

(2) None

**Public service—privacy guidelines
(Question No 1236)**

Mr Stefaniak asked the Minister for Health, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;
- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

- (1) There have been 4 staff members disciplined for breaching privacy guidelines in this period.
 - (2) No staff members lost their jobs or were demoted however the staff were counselled and issued with warnings pursuant to step two of part K of the Clerical Technical, Professional, Health Service Officer's Certified Agreement 2004-2007.
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**Public service—privacy guidelines
(Question No 1237)**

Mr Stefaniak asked the Minister for Disability and Community Services, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;
- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

- (1) None
 - (2) (a) N/a
(b) N/a
-

**Public service—privacy guidelines
(Question No 1238)**

Mr Stefaniak asked the Attorney-General, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;

- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

- (1) One public servant in JACS was disciplined for breaching privacy guidelines for an incident that occurred in September 2004.
 - (2) The officer did not lose their job and was not demoted. The sanction applied was a transfer to other duties.
-

**Public service—privacy guidelines
(Question No 1239)**

Mr Stefaniak asked the Minister for Police and Emergency Services, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;
- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

- (1) Two – being one sworn member and one unsworn member of ACT Policing.
 - (2) None.
-

**Public service—privacy guidelines
(Question No 1240)**

Mr Stefaniak asked the Treasurer, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;
- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

- (1) No public servants in the Department of Treasury have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006.
 - (2) Not applicable.
-

**Public service—privacy guidelines
(Question No 1241)**

Mr Stefaniak asked the Minister for the Territory and Municipal Services, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;
- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

1. Two employees were the subject of discipline investigation and action for alleged breaches of the privacy guidelines.
 2. Neither of these employees had their employment terminated or were demoted as a result of the discipline investigations.
-

**Public service—privacy guidelines
(Question No 1243)**

Mr Stefaniak asked the Minister for Education and Training, upon notice, on 20 September 2006:

- (1) How many public servants in your Department have been disciplined for breaching privacy guidelines between 1 July 2004 and 30 June 2006;
- (2) How many of these public servants have (a) lost their jobs and (b) been demoted.

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

- (1) The Department of Education and Training has taken disciplinary action against one public servant for a breach of the privacy guidelines during the period 1 July 2004 and 30 June 2006.
 - (2) The number of public servants who have lost their job or been demoted during this period is nil.
-

**ActewAGL—travel costs
(Question No 1244)**

Mr Stefaniak asked the Treasurer, upon notice, on 20 September 2006:

- (1) How much was the ACTEW travel budget for 2005-06;
- (2) How many trips did the Managing Director, Mr Michael Costello, undertake on ACTEW business during 2005-06 and when and where did he travel;
- (3) How much did ACTEW spend in meeting the travel costs of its Managing Director;
- (4) How much is the ACTEW travel budget for 2006-07;
- (5) How many trips has the Managing Director taken, so far, during 2006-07 and when and where has he travelled;

- (6) How much have these trips cost;
- (7) How many trips is the Managing Director planning to make during 2006-07 and when and where is he planning to travel;
- (8) What is the projected budget for travel by the Managing Director.

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

The ACTEW Board is responsible for all matters relating to the ACTEW budget. In response to the Member's question, I have been advised by the Chairman of ACTEW of the following:

- (1) \$160,000
- (2) The Managing Director undertook 15 domestic trips to Sydney, Melbourne, Perth and one international trip to China and these trips were subject to the approval of the Chairman.
- (3) \$25,000
- (4) \$137,000
- (5) The Managing Director has travelled 4 times during 2006/07 to Perth, Sydney and Melbourne and these trips were subject to the approval of the Chairman.
- (6) \$8,000
- (7) As at 6 October, two trips are planned.
- (8) ACTEW does not have a separate travel budget for the Managing Director but a budget for the total group.

Prisons and prisoners—parole (Question No 1245)

Mr Stefaniak asked the Attorney-General, upon notice, on 20 September 2006:

- (1) How many parolees breached the terms of their parole during (a) 2005-06 and (b) 2006-07 to date;
- (2) How many parolees faced charges as an outcome of breaching their parole and how many were imprisoned because of these breaches during (a) 2005-06 and (b) 2006-07 to date.

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

- 1) (a) During 2005-2006, 45 parolees breached the terms of their parole.
(b) During 2006-2007 to date, 22 parolees have breached the terms of their parole.
- 2) Parolees do not face charges as an outcome of breaching the conditions of their parole. The powers the Sentence Administration Board may exercise in relation to proven

breaches of parole are contained in s148 of the *Crimes (Sentence Administration) Act 2005*.

**Prisons and prisoners—bail breaches
(Question No 1246)**

Mr Stefaniak asked the Attorney-General, upon notice, on 20 September 2006:

- (1) How many people breached the terms of their bail during (a) 2005-06 and (b) 2006-07 to date;
- (2) How many people were remanded in custody during (a) 2005-06 and (b) 2006-07 to date, after breaching the terms of their bail;
- (3) How do the courts advise the police when someone has conditions placed on their bail;
- (4) What actions do the police take to ensure that someone is meeting the terms of their bail.

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

- (1) The Courts are not able to provide figures on the numbers of people who breached the terms of their bail. This information is not recorded within the Courts' electronic case management system
 - (2) The Courts are not able to provide figures on the numbers of people who were remanded in custody after breaching the terms of their bail. This information is not recorded within the Courts' electronic case management system,
 - (3) The Courts advise the police when someone has conditions placed on their bail by hand delivering all bails daily to the Police Headquarters.
 - (4) This issue falls under my portfolio as Minister for Police and Emergency Services and is responded to on QON 1247.
-

**Prisons and prisoners—bail breaches
(Question No 1247)**

Mr Stefaniak asked the Minister for Police and Emergency Services, upon notice, on 20 September 2006:

- (1) How many people breached the terms of their bail during (a) 2005-06 and (b) 2006-07 to date;
- (2) How many people were remanded in custody during (a) 2005-06 and (b) 2006-07 to date, after breaching the terms of their bail;
- (3) How do the courts advise the police when someone has conditions placed on their bail;
- (4) What actions do the police take to ensure that someone is meeting the terms of their bail.

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

- (1) This issue falls under my portfolio as Attorney General and is responded to on QON 1246.
 - (2) This issue falls under my portfolio as Attorney General and is responded to on QON 1246.
 - (3) This issue falls under my portfolio as Attorney General and is responded to on QON 1246.
 - (4) Monitoring compliance with bail conditions forms an element of normal police targeting operations, with appropriately higher levels of targeting and scrutiny applied to the bail requirements of recidivist and serious offenders.
-

Housing—Jerilderie Court (Question No 1248)

Mrs Burke asked the Minister for Housing, upon notice, on 20 September 2006:

- (1) Was an analysis conducted on the maintenance history of Jerilderie Court, Reid; if so, what advice did the analysis provide Housing ACT about the condition and maintenance of the housing complex;
- (2) What consultation has occurred with residents of Jerilderie Court during the analysis of maintenance at the housing complex;
- (3) What other housing complexes has Housing ACT conducted an analysis on maintenance or condition of properties and what evidence, if any, has arisen that has provided Housing ACT with the opportunity to address systemic maintenance issues such as fire safety and general repairs.

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

1. Yes. The analysis provided information consistent with normal maintenance activity in a complex of this size and age.
 2. Residents would generally not be consulted during the analysis of the maintenance history of a Housing ACT complex.
 3. Housing ACT conducted condition audits on 75% of its properties during the 2003-04 and 2004-05 financial years. Housing ACT is implementing a new five year rolling program to carry out condition audits on all of its properties. Systemic issues are normally identified through quality assurance activities.
-

Roads—removal of animal carcasses (Question No 1270)

Mr Pratt asked the Minister for the Territory and Municipal Services, upon notice, on 20 September 2006:

- (1) How often are ACT Roads inspected for kangaroo and other dead animal carcasses;
- (2) Who is responsible for carrying out this activity;
- (3) In what areas or particular roads is this activity carried out;
- (4) Are regular inspections carried out of dead animals to ensure the removal and humane handling of young that may be left in pouches of dead animals; if not, why not; if so, how often are these inspections carried out;
- (5) Are there any health implications of leaving carcasses on roads in various stages of decay if removals are not carried out on a regular basis;
- (6) What is the ACT Government's legal position if a carcass is not removed promptly and becomes a dangerous obstacle to drivers or poses a health risk;
- (7) How many inspectors on a full-time basis are dedicated to the task of inspecting the ACT's roads for roadkill;
- (8) What is the cost to the ACT Government of funding the inspection of the ACT's roads for roadkill on an annual basis;
- (9) Has the funding in part (8) been reduced this financial year from last year; if so, by how much;
- (10) If the funding in part (8) has been increased this financial year by how much has it been increased.

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

- (1) ACT Government staff do not patrol roads specifically looking for dead animal carcasses. Rather, carcasses are removed from roadsides and other prominent places on a prioritised basis, as staff are made aware of their presence. If particular areas are notorious for their high roadkill activity, they are monitored on a regular basis during Rangers' day to day activities.
- (2) The removal of dead kangaroos and other native wildlife from roadsides and other prominent public places is undertaken by rangers from Parks, Conservation and Lands, Department of Territory and Municipal Services (TAMS).
- (3) Monitoring activity is concentrated in the Canberra urban area, and major arterial roads including the Barton Highway, the Federal Highway, and the Monaro Highway.
- (4) As Rangers come into contact with animal carcasses, consistent with the regime described above, a check of the female's pouch is always undertaken.
- (5) There are no known human health impacts.
- (6) Priority is given to the prompt removal of carcasses that may be a dangerous obstacle to traffic once TAMS becomes aware of them.
- (7) See 1.

- (8) This activity forms one of many tasks attributable to Rangers and is not specifically costed.
- (9) Not applicable.
- (10) Not applicable.

Roads—government plated vehicles (Question No 1271)

Mr Pratt asked the Minister for the Territory and Municipal Services, upon notice, on 20 September 2006:

- (1) Are drivers of ACT Government plated vehicles subject to the same traffic laws as other ACT residents; if not, why not;
- (2) How many ACT Government plated vehicles were issued with (a) parking infringements and (b) speeding or other traffic infringements in (i) 2003-04, (ii) 2004-05, (iii) 2005-06 and (iv) 2006-07 to date;
- (3) How many (a) accidents have occurred between ACT Government plated vehicles and other vehicles and (b) insurance claims have been lodged to cover damage to, or caused by ACT Government plated vehicles in (i) 2003-04, (ii) 2004-05, (iii) 2005-06 and (iv) 2006-07 to date.

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

- (1) Yes, with the exception of emergency services personnel responding to emergency situations. Drivers of ACT Government plated vehicles are also responsible for any parking or traffic infringement issued while they are in control of a the vehicle. This includes the payment of any penalties and accumulation of any demerit points that apply.
- (2) The following number of ACT Government plated vehicles were issued with (a) parking and (b) speeding or other traffic infringements.

	Parking	Speeding or other traffic
2003 – 04	308	196
2004 – 05	320	207
2005 – 06	223	197
2006 – 07YTD 25/09/06	56	36

- (3) Information on the number of accidents between ACT Government plated vehicles and other vehicles is not readily available.

The following number of insurance claims have been lodged to cover damage to, or caused by ACT Government plated vehicles in (i) 2003-04 (426 claims), (ii) 2004-05 (416 claims), (iii) 2005-06 and (iv) 2006-07 to date (417 claims to 4/9/06). The insurance claims year 2005-06 includes the period 1 July 2005 to 30 September 2006. The 2005-06 year has been extended to align Rhodium Asset Solutions' records with the insurance industry claims year that runs from 1 October to 30 September.

**Graffiti—costs
(Question No 1272)**

Mr Pratt asked the Minister for the Territory and Municipal Services, upon notice, on 20 September 2006:

- (1) How much has the ACT Government spent on graffiti removal for the current financial year to date;
- (2) How many (a) reports of graffiti vandalism were received and (b) graffiti incidents were cleaned up within 24 hours of being reported, for the current financial to date;
- (3) Have any new measures been introduced to combat graffiti vandalism in the current financial year; if not, why not;
- (4) How many graffiti offenders have been (a) caught, (b) charged and/or (c) penalised and prosecuted in the current financial year to date.

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

- (1) As at 2 October 2006, \$237,439 has been spent on the removal of graffiti this financial year.
- (2) (a) 115 reports of graffiti vandalism have been received to date this financial year. (b) Currently, the graffiti strategy requires that graffiti be removed within 3 working days of notification, unless the graffiti is offensive in which case it must be removed within 24 hours. Records show that 100% of all offensive graffiti has been cleaned to date, within 24 hours of being reported.
- (3) Additional diversionary programs such as introducing 8 new legal sites, the Colour in Canberra program (which won the 2006 Community Pride Keep Australia Beautiful Award) and the graffiti workshops (which won the 2005 Community Pride Keep Australia Beautiful Award) have been introduced. Additionally, the AUSGR (Australian Graffiti Removal) system has been acquired which records photographic, tag name, graffiti medium used and other relevant information in a database. This information is made available to the Police to aid investigations.
- (4) (a) 1 (b) 1 (c) To be determined (Court case pending)

**Hospitals—electroencephalography trainees
(Question No 1299)**

Mr Smyth asked the Minister for Health, upon notice, on 21 September 2006:

- (1) When was the position of trainee for the electroencephalography facility in The Canberra Hospital created;
- (2) If this is not a new position, for how long has the position of trainee been vacant;
- (3) When was the vacancy for the position of trainee advertised;

- (4) How many applications were received as a result of this advertisement;
- (5) When will the (a) selection process be completed and (b) selected trainee be appointed to this position.

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

- (1) The position was established in 2001.
- (2) The position has been vacant since June 2006.
- (3) The vacancy was advertised on 25 May 2006 on the TCH Website, ACT Government Gazette, in *The Canberra Times* and through the Charles Sturt University.
- (4) Eight applications were received as a result of the advertisement.
- (5) (a) The selection process is complete.
(b) The successful applicant will commence in November 2006.

Hospitals—accreditation process (Question No 1301)

Mr Smyth asked the Minister for Health, upon notice, on 21 September 2006:

- (1) When is the next accreditation process for (a) The Canberra Hospital, (b) Calvary Public Hospital, (c) Community Health and (d) Mental Health ACT due;
- (2) What is the timetable for the accreditation process for (a) The Canberra Hospital, (b) Calvary Public Hospital, (c) Community Health and (d) Mental Health ACT.

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

- 1) The next accreditation processes for (a) The Canberra Hospital, (b) Calvary Public Hospital, (c) Community Health and (d) Mental Health ACT are shown in Table 1.
- 2) The timetable for the accreditation process is shown in Table 1.

**Table 1
ACT Health – Time Table for ACHS Accreditation**

Organisation / Division	Accreditation phase	Survey date
Mental Health ACT	Alignment Survey	22-23 /8/06
The Canberra Hospital (inc hospital based services provided by Aged Care and Rehabilitation Services and the Capital Region Cancer Service)	Periodic Review	9-10/11/06
Community Health (inc community based services provided by Aged Care and Rehabilitation Services and the Capital Region Cancer Service)	Periodic Review	14-15/11/06
Calvary Public Hospital	Periodic Review	29-31/1/07

Tourism—visitor statistics (Question No 1302)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 21 September 2006:

What are the statistics for visitors to the ACT and to Australia from (a) Singapore, (b) Malaysia, (c) Thailand and (d) Hong Kong for the 12 months to 30 June 2006 and the 12 months to 30 June 2005.

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

1. The statistics for visitors to the ACT and to Australia from Singapore, Malaysia, Thailand and Hong Kong as reported by Tourism Australia (TRA) for the 12 months to 30 June 2005 and 30 June 2006 are as follows. (It should be noted that TRA does not release separate figures for sample sizes below 50 as they are considered unreliable. Therefore, the figures for the ACT for the countries shown below are grouped as one).

Visitors to the ACT

Country	Year ending June 2005	Year ending June 2006	% change 05/06
3. Singapore, Malaysia, Hong Kong & Thailand*	8,042	14,805	84.1%

**To ensure statistical reliability, these markets are not reported on individually.*

Visitors to Australia

Country	Year Ending June 2005	Year Ending June 2006	% Change
Singapore	228,664	218,265	-4.5%
Malaysia	148,532	135,963	-8.5%
Thailand	72,874	68,820	-5.6%
Hong Kong	134,839	142,275	5.5%
TOTAL	584,909	565,323	-3.3%

Deeks Forest—facilities (Question No 1303)

Mr Stefaniak asked the Minister for the Territory and Municipal Services, upon notice, on 21 September 2006 (*redirected to the Minister for Tourism, Sport and Recreation*):

- (1) What facilities are being built or have been built at Deeks Forest since the 2003 bushfires;
- (2) How much have these facilities cost;
- (3) How have they been funded.
- (4) How far has the building of these facilities progressed.

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

1. The redevelopment of the Mt Stromlo forest area is Stromlo Forest Park. The new park, which is based on a shared recreational use model, will have the following facilities:
 - An international class cross-country running circuit designed by Robert De Castella;
 - A world-class mountain bike venue including a circuit to accommodate the 24 hour event which has been designed by Glen Jacobs, the designer of the Sydney Olympic mountain bike course.
 - A criterium bike circuit which will also be used as a start/finish area for Canberra road races designed by former Olympian Stephen Hodge;
 - Equestrian facilities including improvement of existing trails; and
 - Shared –use facilities include an events pavilion building, a large staging area to accommodate spectators for national and international sporting events, parking areas, picnic grounds, and trail heads. It also includes a bushfire memorial.
 - Signage for these facilities.
2. To date the expenditure is approximately \$6.2m.
3. The funding for Stromlo Forest Park consists of \$6m appropriation and \$2m insurance money, this includes funding (\$0.5m) for trees.
4. Construction of the criterium is nearly completed and it is planned to open for public use in December 2006, after the Brindabella Challenge.

Construction is progressing well on the mountain bike tracks, equestrian tracks and events building which are planned to be open for public use by the end of January 2007.

Construction of the running track is nearly complete and there will be a 12 month period for the grass track to consolidate prior to opening in about October 2007.

It is anticipated that the criterium and mountain bike tracks will be available for the Brindabella Challenge in December 2006.

Downer business centre (Question No 1304)

Dr Foskey asked the Minister for Business and Economic Development, upon notice, on 21 September 2006 (*redirected to the Minister for Territory and Municipal Services*):

- (1) Who now manages the Downer Business Centre;
- (2) When did the management last change hands;
- (3) Did the Centre change its function or purpose at that time;
- (4) What refurbishments or renovations were deemed necessary, and on what basis were those decisions made;

- (5) Which tenants were asked to vacate, or were encouraged to vacate;
- (6) What changes to rent, service changes and tenancy agreements have been made.

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

1. Property Group in the Department of Territory and Municipal Services (TAMS) is managing the Centre building.
2. When CREEDA went into provisional liquidation in late 2005 and ceased to be responsible for maintaining the building and grounds, Property Group took back direct responsibility for building and grounds management.
3. No, just its property management arrangements;
4. Building works to be undertaken at the Downer Business Centre relate to the areas occupied by CREEDA / AIE and the Industry Training Boards. The works were identified in a building condition audit arranged by the Property Group and prepared in February 2004. Additional works were identified as a result of Property Group site inspection in April 2006. Property Group has prioritised these works with some to be completed over 2006/07 and others during the following two years.
5. None
6. The former peppercorn rental arrangement in exchange for CREEDA undertaking maintenance did not result in the (substantial) necessary maintenance being done. Accordingly, the subleases offered by the Property Group will charge tenants a standard rental rate per square metre per annum based on Property Group's standard rental model for community facilities. The rent will be used to offset the facility operating and overhead costs, as well as the backlog of maintenance work.

**City Block 1, Section 24
(Question No 1305)**

Dr Foskey asked the Minister for Planning, upon notice, on 21 September 2006:

- (1) How much was paid to the ACT Government for City Block 1, Section 24 when sold to the Molonglo Group in 1998;
- (2) What was the estimated value of that site (a) before and (b) after a change of use was permitted in November 2005;
- (3) What was the increase in gross floor area permitted by that change of use;
- (4) What was the total change of use charge paid to the ACT Government as a result of that change of use.

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

- (1) The amount paid for the land is information not available to the Territory. The Crown lease over Block 1 Section 24 City when sold by the Commonwealth was National land. The National land status of the block has since been revoked.

- (2) Colliers International estimated the before value of Block 1 Section 24 City to be \$5,700,000 and the after value to be \$7,200,000. Off-site works were assessed at \$1,902,812 and this was included as a deduction against the after value. The Australian Valuation Office assessed the before value at \$5,700,000 and the after value at \$9,100,000. However, the AVO did not take the value of off-site works into account in their calculations. The scope of the off-site works was subsequently increased after works approval was granted by the National Capital Authority.
 - (3) The total overall increase in gross floor area was 50,193 square metres.
 - (4) The total change of use charge paid in accordance with the consent decision by the Administrative Appeals Tribunal was \$862,500 being 75% of the added value of \$1,150,000.
-

**Education—university admission index
(Question No 1306)**

Dr Foskey asked the Minister for Education and Training, upon notice, on 21 September 2006:

- (1) How much was paid for the analysis and report prepared by Professor Hyndman on the ACT's University Admission Index (UAI) process,
- (2) What were the terms of reference, and any other reporting instructions, for that report;
- (3) Has Professor Hyndman had any involvement in the establishment or analysis of the ACT UAI system in the past;
- (4) Did Professor Hyndman take advantage of the opportunity to communicate directly with the key complainants;
- (5) Was all relevant information raised by complainants referred to Professor Hyndman.

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

- (1) \$5,600
 - (2) To evaluate the claims by a member of the ACT community that ACT students have been systematically disadvantaged by current UAI procedures used to mesh ACT UAIs with NSW.
 - (3) No.
 - (4) Not that I am aware of.
 - (5) Emails received from the claimant 28 November 2005 to 1 February 2006 were referred to Professor Hyndman.
-

**Education—student first aid training
(Question No 1307)**

Mr Mulcahy asked the Minister for Education and Training, upon notice, on 21 September 2006:

- (1) Is basic first aid currently taught to students in ACT public schools; if so, is it compulsory or do only a percentage of students receive tutelage;
- (2) If only a percentage of students receive tutelage, what is the percentage of students;
- (3) What percentage of teachers in ACT schools are trained in first aid.

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

- (1) Yes, basic first aid is currently taught to students in ACT public schools. First aid training is not compulsory, however students receive training if they are taking part in an outdoor education course or in a health & physical education elective course. Schools provide training in basic first aid through St John's Ambulance Australia, Red Cross or The Royal Life Saving Society.
- (2) The percentage of students would vary each year depending on the courses being offered in schools. Secondary schools would offer at least one basic first aid training course in a year to a group of approximately 30 students.
- (3) Many teachers are trained in basic first aid. The Department of Education and Training requires a participating staff member accompanying students on an excursion to have a first aid certificate. Teachers are encouraged to gain certification by attending courses offered by St John's Ambulance Australia, Red Cross or The Royal Life Saving Society. Outdoor education teachers gain specialised first aid training through Red Cross remote first aid or advanced wilderness first aid. Approximately 30% of teachers in ACT schools are trained in basic first aid.

**Education—indigenous student absentees
(Question No 1308)**

Mrs Burke asked the Minister for Education and Training, upon notice, on 21 September 2006:

- (1) On how many days were indigenous students recorded as being absent from all ACT Government run schools during (a) 2001, (b) 2002, (c) 2003, (d) 2004, (e) 2005 and (f) 2006 to date;
- (2) How many indigenous students were identified as being absent from school in the years listed in part (1);
- (3) What was the average number of days for each indigenous student identified as being absent from school in the years listed in part (1).

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

- (1) Individual schools are responsible for recording and monitoring attendance of all students. The central office of the Department of Education and Training does not routinely collate the data requested by Mrs Burke. Available data relating to the above question has been provided in the *Performance in Indigenous Education* report tabled in the Legislative Assembly. The most recent report is available at http://www.det.act.gov.au/publicat/pdf/indig_education_report_aug2005.pdf
- (2) See above.
- (3) See above.

Schools—closures (Question No 1309)

Mrs Burke asked the Minister for Education and Training, upon notice, on 21 September 2006:

- (1) On what dates did the Minister and/or the Chief Minister conduct meetings with representatives of the ACT indigenous community on the impact of school closures;
- (2) If meetings occurred, what information by way of plans or briefing materials were provided to representatives of the indigenous community that considered the needs of indigenous students as a result of any school closures in the ACT;
- (3) What reference is made in the *Towards 2020: Renewing Our Schools* report that indicates specific plans to address the needs of indigenous students.

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

- (1) The Chief Minister, the Department and I have been involved in over 550 individual meetings with groups and representatives to discuss the proposal. Indigenous families are full members of our school communities and have the same right and opportunity to participate in discussions about the *Towards 2020* proposal. There are Indigenous students in all but two ACT government schools.

I also met with the Indigenous Education Unit on 14 June 2006. I will be meeting with the Indigenous Education Consultative Body (IECB) on 2 November 2006. In addition, Departmental representatives met with the IECB on 19 October 2006.

- (2) As with all students who may be affected by the *Towards 2020* proposal, Indigenous students and their families will be offered transition planning to ensure their educational, social and financial needs are identified. For low income families, assistance with transport is available through the Free School Bus pass program.
- (3) None.

Schools—closures (Question No 1310)

Mrs Burke asked the Minister for Education and Training, upon notice, on 21 September 2006:

- (1) What is the ACT Government doing to ensure that no additional financial burden will be placed on indigenous families in the ACT as a result of the closure of each individual school in the ACT;
- (2) What programs will be put in place to assist indigenous families to cover any increase in transport costs associated with the need to send their children to a new school as a result of any school closures.

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

- (1) If decisions are made to proceed with the proposal, transitional planning will be put in place for individual students and their families to assist in their move to another government school. These arrangements will take account of the student's educational support needs and also look at the broader needs of the student and their family, to minimise any travel or financial hardship.
- (2) See above.

**Joint emergency services training team
(Question No 1313)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 21 September 2006:

- (1) What is the number, by function and appointment, of training staff in the Joint Emergency Services Training (JEST) team;
- (2) What is the budget of JEST for (a) operating costs, (b) building costs, (c) resource costs and (d) total cost of implementation of training programs.

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

- (1) Current staffing for the Joint Emergency Services Training Academy (JESTA) is one SOG B Strategic Manager of learning and development for all services except ACT Fire Brigade. Two ASO 5 Training Advisors responsible for maintenance of the Registered Training Organisation (RTO), non-operational training and development, and the maintenance of learning and development materials including nationally recognised manuals and assessment tools. One ASO 4 responsible for co-ordination of all Emergency Management Australia Institute (EMAI) training opportunities for the Territory, database maintenance, development and maintenance of learning and development materials as above.
- (2) The ESA is currently finalising internal budget allocations and therefore detailed budget amounts for JESTA are not yet available.

**Bushfires—Rural Fire Service
(Question No 1314)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 21 September 2006:

What is the breakdown by position and function of all positions in the Rural Fire Service for (a) command, (b) operations, (c) communications, (d) planning, (e) logistics and (f) administrative staff.

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

- (1) As the ACT Rural Fire Service is a small service it is not practical to break positions down as asked as all positions are multi-skilled and cross-over as needed. It should also be noted that all positions provide a certain level of operational support during fire incidents.

Current positions within the ACTRFS are:

- 1 x Chief Officer responsible for general management and control of the RFS, operational planning for fire outside the city area, including preparedness and control and fire response in rural areas as well as community awareness about fire prevention and preparedness outside the city area.
- 1 x Deputy Chief Officer responsible for providing strategic, policy and operational advice to the Chief Officer and developing service wide policies and procedures, performing operational command duties during emergencies in which the ACTRFS is the lead agency and undertaking senior coordination responsibilities within ESA to achieve emergency management outcomes.
- 1 x Operations Manager responsible for all aspects of bushfire management activities including the allocation and monitoring of resources during major fire events, participation in Incident Management Team (IMT) within the ACT and NSW region, updating of Mutual Aid Agreements (MAA), MOUs and SLA's between ACTRFS / ESA and other authorities (including interstate), identification and development of appropriate training programs, investigation of fires.
- 1 x Strategic Planning Manager responsible for the implementation of the Strategic Bushfire Management Plan (SBMP), management of Bushfire Operational Plans (BOPs) by land managers, specialist advice on land management issues as they relate to bushfire risk mitigation, senior level incident management and operational coordination and control during incidents, deliver training in specialist incident management and operational planning functions and expert advice on community education and awareness.
- 1 x Planning & Audit Officer responsible for audit of BOPs, planning advice, including bushfire risk assessment of all new and existing developments, liaison role with developers, consultants and government, community education including FireWise, Farm FireWise, land management agreements, bushfire action plan assessment, planning support during bushfire operations.
- 1 x Operations Officer responsible for assisting in the development of policies and procedures related to bushfire operational preparedness and response, participation in bushfire operations, conduct of training and assessment programs, participation in IMTs as required.
- 1 x Operational Planning Officer responsible for assisting with development of policies and procedures related to bushfire operational preparedness, compilation of Standard Operating Procedures, participation in the management of BOPs, conduct of training and assessment programs, and participation in IMTs as required.

- 1 x Airbase Manager responsible for logistical supervision and prioritisation across all RFS facilities, management of the day-to-day activities of the ACTRFS Air Support Operations Centre, procurement of specialised fire fighting equipment.
 - 1 x Airbase Support Officer responsible for logistics support, RFS facilities management (including sheds, vehicles and equipment), Air Base Support.
 - 1 x Volunteer Support Officer responsible for volunteer recruitment, recognition and retention, volunteer welfare, volunteer research through Bushfire CRC, brigade development & support, community education and coordination of community events attended by RFS.
 - 1 x Training Officer responsible for preparation and conduct of skills based training and formal assessment programs, contribution to the development of policy and guideline material in relation to training and assessment, assisting in developing trainers and assessors at brigade level, liaising with interstate counterparts training material development, conduct of annual training needs analysis.
 - 1 x Administrative Liaison Officer responsible for initial point of contact for RFS, executive support, secretariat for ACT Bushfire Council, and general office procedures.
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