



Debates

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Legislative Assembly for the ACT

SIXTH ASSEMBLY

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Thursday, 14 December 2006

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Thursday, 14 December 2006

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

Personal explanation

MR MULCAHY (Molonglo): I would like to make a statement pursuant to standing order 46, as I have been misrepresented in this place.

MR SPEAKER: Proceed.

MR MULCAHY: Yesterday afternoon a statement was issued from my office commenting on the resignation of Dr Grimes from his position at ACT Treasury. I seek leave to table that statement.

Leave granted.

MR MULCAHY: I table the following paper:

“Mulcahy questions Grimes departure from ACT Treasury”—Media release by Mr Mulcahy, dated Wednesday, 13 December 2006.

At no point in that statement did I imply, suggest or intend to suggest that Dr Grimes has departed because of some deficiency on his part; I had instead alluded to a possibility that working with the ACT government might well have given one cause to look for employment elsewhere, noting the number of competent key stakeholders who have departed from that role. Indeed, by way of a private view I expressed yesterday to a commonwealth official who asked about the appointment of Dr Grimes to the position of General Manager, Budget Group, in the Department of Finance and Administration, I expressed the view that Dr Grimes “always plays with a straight bat and is very polite and courteous whenever he appears before my committee”.

In Mr Stanhope’s remarks he also seriously misrepresented the circumstance—

MR SPEAKER: Order! You should stick to the personal.

MR MULCAHY: This is a misrepresentation, a second one, Mr Speaker. He also seriously misrepresented the circumstance of my departure from the AHA and claimed, “We believe the answer to Mr Mulcahy’s departure might have something to do with the secret report that Mr Mulcahy has sought to cover up.” This statement is false—it is without any factual foundation whatsoever—and is made without any relevance to the truth of the situation. I would certainly invite the Chief Minister to make defamatory statements outside the safety of the Assembly, and I hope, Mr Speaker, that in future—

MR SPEAKER: Order! I will not allow standing order 46 statements to involve the contest of ideas between you and another member. Stick to the personal; otherwise I will ask you to sit down.

MR MULCAHY: Okay. Finally, Mr Speaker, I would say that I hope, sir, that in future the long-held practice in this place of not permitting members to canvass matters before the courts could be equally applied to Mr Stanhope.

Mr Stanhope: Table the report.

MR SPEAKER: The statement has concluded. When I agree to allow members to make statements under standing order 46, I expect members to be rigorous in the personal nature of their statements and not to attack other members.

Mr Mulcahy: Mr Speaker, I am simply responding to an exact quote and explaining that it was a misrepresentation of the situation—

MR SPEAKER: It is over with now. It is over with as far as I am concerned.

Mr Stanhope: I would be happy to give leave for Mr Mulcahy to table the report, Mr Speaker.

Mr Mulcahy: Mr Speaker, as I have indicated, it is a matter before the courts and you have previously prevented the opposition pursuing those matters.

MR SPEAKER: Order! Would you be seated, please, Mr Mulcahy.

Legal Affairs—Standing Committee Statement by chair

MR SESELJA (Molonglo) (10.33): 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.

With respect to the Utilities (Network Facilities Tax) Bill 2006, the committee offers the comment that there is no justification in the explanatory statement for the creation of offences containing elements of strict liability. Justification is more particularly called for given that the maximum penalty for these offences is 250 penalty points. The committee considers that, in general, the penalty for a strict liability offence should not exceed 50 penalty points.

Rates Amendment Bill 2006 (No 2)

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

Title read by Clerk.

MR STANHOPE: (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (10.35): I move:

That this bill be agreed to in principle.

Mr Speaker, the Rates Amendment Bill 2006 (No 2) amends the Rates Act 2004 to facilitate the collection of the city centre marketing and improvements levy. The revenue collected from the levy will specifically fund the implementation of a marketing and improvements program for the city centre, as well as providing a cleaner, safer and more attractive location for Canberrans and visitors to Canberra to enjoy. The levy was previously announced as the city heart levy in the 2005-06 budget. However, further work was required, and a revised initiative was included in the 2006-07 budget with a start date of 1 January 2007 and a projected collection amount of \$0.6 million in 2006-07.

Mr Speaker, this bill simply provides a mechanism to collect the levy. I understand that the ACT Planning and Land Authority is currently consulting with property owners in the collection area to finalise the policy parameters for the levy. The government expects to be able to present greater detail on these processes next year.

It has been necessary to proceed with this legislation to ensure that changes to IT systems can be in place to collect the levy. The presentation of the bill at this time also provides property owners in the collection area with some certainty, allowing them to prepare in advance for the collection of the levy. The legislation provides for a commencement notice to activate it, allowing time to complete the consultation process. A commencement notice is a notifiable instrument.

The Rates Act was chosen as the legislative instrument to collect the levy as it already contains a mechanism to impose levies under schedule 1 of the act. It has been a relatively simple exercise to add the levy to this schedule. The inclusion of the levy in the Rates Act also has the advantage of bringing the levy under the existing legal framework for the administration of taxation matters in the ACT contained in the Taxation Administration Act 1999.

The levy will be raised as an annual charge on commercial property owners as a percentage of the average unimproved value of commercial land within a prescribed collection area. At this point in time, the collection area will be the division of city and certain commercial areas in Braddon and Turner. The collection area will be divided into two areas with differential rates to apply. Residential properties within the area will not be liable to the levy.

Under section 8 of the Rates Act, certain parcels of land are not considered to be rateable land and are therefore not liable to rates. The bill ensures that only rateable commercial land is liable to the levy so that certain non-residential properties, such as the sites of churches or schools located within the collection area, will not be liable.

As the levy will be billed and collected separately from rates, payment by instalments and discounts for early payment are not provided. It should be noted that under the Taxation Administration Act 1999, the Commissioner for ACT Revenue may enter into an arrangement with a taxpayer to extend the time for payment of tax, or accept payment by instalment, subject to any conditions that may be determined by the commissioner.

The enforcement provisions in the Rates Act do apply, however, allowing the imposition of interest on a monthly basis and ensuring that the levy is included as a charge on the land in order to secure outstanding debts attaching to a parcel of land.

Mr Speaker, I commend the Rates Amendment Bill to the Assembly.

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

Corrections Management Bill 2006

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.38): I move:

That this bill be agreed to in principle.

Today I am introducing the Corrections Management Bill 2006. This bill will provide new law that will govern the treatment and management of prisoners and other detainees in the Australian Capital Territory. It is the government's intention that the bill I introduce today will replace the Remand Centres Act 1976. The new act will govern the ACT's new prison, the Alexander Maconochie Centre, as well as any present and future corrections facilities.

The bill represents a model of modern prison management. The bill sets out the rules for admission, living conditions, searches, segregation, alcohol and drug testing, the use of force, disciplinary processes and leave processes.

Along with the Crimes (Sentencing) Act 2005 and the Crimes (Sentence Administration) Act 2005, the Corrections Management Bill 2006 completes the suite of new legislation covering sentences in the ACT. The three pieces of law use consistent concepts and methods. Many duplicate sets of powers and processes currently in force will be repealed, with one coherent set of powers and processes.

Mr Speaker, the government has publicly stated that the Alexander Maconochie Centre will be a secure and safe place that will have a positive effect on the lives of prisoners held there, and on staff who work there. The aim of the prison's management and operations is to give substance to Sir Alexander Paterson's observation that offenders are sent to prison "as punishment, not for punishment". The primary function of a prison or a remand centre is to hold people in secure custody. This function is a means to both uphold the law and provide protection to the community from people who pose a risk to the community in the context of criminal justice.

Along with the powers to manage detainees, the bill also governs the lawful treatment of detainees. To this end, the bill is informed by human rights principles and

international cases. The powers provided by the bill are also crafted to reflect modern administrative law principles. The bill aims to leave no doubt as to what is intended to be lawful and what is not. The bill clearly sets the boundaries of any power allocated to the territory's government and corrections authority.

The ACT's Human Rights Act 2004 protects fundamental rights. Any limits on these rights are only permissible if they are authorised by a territory law, they are reasonable and they are justifiable in a democratic society. The Human Rights Act 2004 is not a criminal's charter, as has been suggested by some in this Assembly. Human rights law recognises all of the conditions of humanity, from positive to negative.

Consistent with section 28 of the Human Rights Act 2004, the bill sets out reasonable limitations upon a sentenced offender's human rights and other detainees' rights, consistent with the objects of the bill. The bill stipulates the minimum conditions and management of people whose right to liberty is lawfully limited. These minimum conditions are akin to the best practice of jails in Australia, New Zealand, Canada and the United Kingdom.

To meet the primary function of holding detainees in secure custody, the bill creates a range of powers that uphold the safety and good order of corrections centres. The bill includes extensive powers and procedures to prevent weapons, illegal drugs and other contraband from being smuggled into the prison.

The bill enables corrections staff to separate, and if necessary segregate, prisoners who are at risk of harm, at risk of causing harm or at risk of spreading disease.

A modern procedure for dealing with disciplinary breaches is also included. The disciplinary system used by the bill will also enable a clear delineation between prosecutions for criminal offences and the imposition of administrative penalties for disciplinary breaches.

Historically, prisons were seen as the absolute realm of governments and the agencies assigned to run prisons. There was an underlying idea that prisoners were no longer part of the community and a fear that a recognition of any rights would undermine the purpose of imprisonment.

Over the years, that position has changed. Prisoners are part of the community, and as a community we should be satisfied that the punishment imposed upon an offender is being carried out. We should also be satisfied that the administration of the imprisonment is humane and fair. There is little merit in applying the full force of the criminal law to a person while hypocritically treating a person as if they had no legal rights.

To ensure our prison and remand centres work according to law, the bill includes provisions for the inspection of correctional centres and the investigation of complaints made by detainees. The bill also sets out rights of review for detainees who are segregated or disciplined. These protections allow the community to see that detainees are not treated arbitrarily. These protections for detainees protect us all.

I commend the bill to the Assembly.

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

Animal Welfare Legislation Amendment Bill 2006

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

Title read by Clerk.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (10.44): I move:

That this bill be agreed to in principle.

Mr Speaker, I bring to the Assembly today a bill regulating animal welfare issues. The Animal Welfare Legislation Amendment Bill 2006 proposes to make amendments in the Animal Welfare Act 1992 by inserting offence provisions where, for example, a veterinary surgeon performs surgery on an animal where the sole purpose of that surgery is to alter the animal's appearance. Offence provisions will also be included to prohibit veterinary surgeons from giving advice to a third party on how to perform a therapeutic procedure. This will include tail docking of dogs and castration of companion animals.

The time frame for when a non-veterinary surgeon may remove a dog's dewclaws will also be reduced. There will be a five-day requirement on the removal of a dog's dewclaws by a non-veterinary surgeon. Although it is a relatively minor procedure, it is one which should be done under anaesthetic and with analgesic pain relief after a period of time. The amendment will also ensure that the ACT is in line with other jurisdictions such as New South Wales.

A minor amendment will be made to the act to ensure that it is absolutely clear that animals should not be left alone in vehicles and in conditions that are likely to be detrimental to their health—for example, in a car on a hot day in full sun with no windows undone and no water provided.

The bill will tighten the act by ensuring that a person who owns the premises where an offence takes place in relation to baiting or animal fights is also covered by the offence. The offence will apply regardless of whether the person who owns the premises was aware of what was occurring at their premises.

The bill will also update requirements for licences, identification certificates, permits and research authorisations. For example, it will be compulsory for a person to apply for a commercial trapping permit.

Finally, a minor amendment will be made to ensure that an animal can be used to train another animal. Many sporting bodies and farmers use trained animals to show their

new animals what is required. For example, cattle dogs train new cattle dogs in the business of rounding up sheep. That is interesting—cattle dogs rounding up sheep. Cattle dogs actually round up cattle, and sheep dogs round up sheep. Mr Speaker. I shall speak sternly to people who do not know the difference between cattle dogs and sheep dogs. Mr Speaker, that is a little bit of lightness at Christmas time.

I commend the bill to the Assembly.

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

Housing Assistance Bill 2006

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

Title read by Clerk.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (10.48): I move:

That this bill be agreed to in principle.

Mr Speaker, I present the Housing Assistance Bill 2006. Members will be aware that the current legislation governing housing assistance in the ACT is almost 20 years old. During this time the ACT has become self-governed and there have been many changes to the public service structure. The territory has also witnessed fluctuations in housing affordability.

The fact is that our housing assistance legislation has not kept pace with these and other changes. This is why the government asked the Department of Disability, Housing and Community Services to develop new legislation to replace the Housing Assistance Act 1987. This bill is the result of that work.

There have been a number of significant housing policy initiatives undertaken since I was appointed Minister for Housing. For example, there have been six ministerial housing advisory forums, a housing consumer forum and the ACT housing summit. Through these events, government has been talking to tenants, service providers, business and the community about housing issues and the status of current legislation. Interestingly, little overall concern has been recorded about the act's broad policy parameters. In this regard, objectives between the old act and the new proposed legislation remain the same, underpinned by the Commonwealth-State Housing Agreement.

The new legislation has its focus on building a better housing assistance system, one that more clearly defines the powers and limitations of the Commissioner for Social Housing. We have taken this opportunity to amend the title of the Commissioner for Housing to the Commissioner for Social Housing, in order to appropriately reflect the role's responsibilities across both the community and public housing sectors.

The new legislative system will provide the commissioner with the power to make formal determinations under programs established through the act. It will also provide the ability to issue operational guidelines to assist staff to interpret and implement provisions of the act or its programs. This places current practices on a much clearer legislative footing.

The bill provides the commissioner with the power to seek information from the people receiving or applying for housing assistance and requires this information to be provided. This will ensure an enhanced ability to effectively provide ongoing assistance to individuals and manage the housing system as a whole. This provision will, for example, allow the commissioner to seek information from market renters regarding their circumstances in order to assess what options may be available to them in terms of their future housing choices.

The legislation includes new provisions for the protection of the personal information of entities receiving housing assistance. As the largest single landlord in the territory, the ACT government has a particular responsibility to ensure that the personal details of its tenants are not inappropriately released into the public arena or misused in any way that could adversely affect their lives. Importantly, this provision will protect information on the location of individual tenants and community organisations providing refuge services, community housing or disability accommodation.

Mr Speaker, members will notice that the language in this bill has been significantly refined compared with the 1987 legislation. Many provisions have been updated, including the functions of the commissioner, the process for approving housing assistance programs and the provisions relating to unleased territory land.

In relation to the bill's new policy aspects, there is included for the first time the provision of a definition of housing assistance. This definition is necessary in order to put some boundaries around the delivery of housing assistance and to ensure that the commissioner's role is clearly defined. The chief executive of the agency responsible for housing assistance legislation will now hold the position of Commissioner for Social Housing, as outlined in the administrative arrangements orders.

The provisions for the commissioner to enter into joint ventures have been updated to ensure consistency with the already agreed process for government entities, as outlined in the Financial Management Act 1996. This requires the agreement of the Treasurer and minister to table in this place, within two weeks, a written statement in relation to a joint venture.

The bill also seeks to clarify that debts owed to the Commissioner for Social Housing are debts owed to the territory, even though the commissioner maintains a separate legal identity.

The remainder of the provisions contained in the bill are consistent with those contained in the old act, with the language and drafting style updated to reflect contemporary standards. Members will note that the housing assistance programs will have to be re-made under the new legislation. On this matter we will have further

discussions with our tenants and the community to ensure that we get the best possible housing assistance system for those most in need.

I commend the bill to members.

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

Planning and Development Bill 2006

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.54): I move:

That this bill be agreed to in principle.

Mr Speaker, the Planning and Development Bill 2006 is the most significant reform to planning legislation in the ACT since self-government. As I recently commented in the Assembly, we have taken the opportunity to put in place the national leading practice model for development assessment, and we will be the only jurisdiction to have done so in the country.

In 2001 the Labor government's pre-election commitments identified planning for the ACT as one of its top priorities. This ultimately led to a range of significant changes to the planning and land administration system within the ACT, including the creation of the ACT Planning and Land Authority and the Land Development Agency, a review of the concessional lease grant and administration system, and customer service enhancements and improved public information systems.

After the establishment of the authority, I tabled my inaugural statement of planning intent, which identified governance and legislative reform as the first of seven principles for governing the planning and development of the ACT. This principle established that as part of any overarching reform agenda, the following could be expected:

- the management of the leasehold estate as part of the territory's planning and development regulation system;
- streamlining the development assessment system for all activities;
- urgent changes to minimise planning system impediments in Civic, our town centres and along transport corridors, including during the pre-application phase;
- maintaining and promoting a single integrated development assessment path;

- elevating the status and role of strategic planning and policy instruments in guiding decision making and engaging the community early in the planning process; and
- providing appropriate safeguards for members of the community most directly affected by policy change and development applications.

Through the Canberra plan, both the Canberra spatial plan and the economic white paper have contained specific references to changes to the planning and land administration system. The most recent election platform of this government in 2004 was unambiguous in its planning policy, stating that it will continue with reform as part of a second wave of measures, including the reform of the Land Act and the territory plan.

This detailed background leaves no doubt that, along with the government, the planning authority, its chief planning executive and I have been committed to reforming the ACT planning and land administration. It has been one of my highest priorities in terms of my ministerial responsibilities. Today, Mr Speaker, we deliver on those commitments.

Planning systems have evolved over the last 10 to 15 years, from essentially managing the separation of incompatible land uses to dealing with a complex range of competing societal issues—so much so that most jurisdictions across Australia suffer from not being able, in some circumstances, to reconcile all the issues that need to be taken into consideration, including, but not being limited to:

- land use practice, landscape, urban character and urban design;
- environmental considerations, including natural hazard mitigation, significant trees, sustainability issues, water management, energy efficiency and noise;
- European and Aboriginal heritage;
- transport; and, increasingly; and
- housing affordability.

Any modern planning system therefore not only needs to be designed to canvass this broad range of issues, but also needs an administrative structure to be able to work through such a wide variety of potential concerns.

Planning outcomes are no longer confined to just one government agency, given that the spread of issues involves the interests of other agencies who have the necessary expertise to contribute to the decision-making process. In this regard the planning system needs to be designed in a way that enables the collation and integration of views across government.

In addition, planning systems in most parts of Australia either incorporate or have a substantial connection with building and other construction practices, so the integration of respective systems and minimising duplication between them has added

another level of complexity. The ACT is no different, having the further layer of the leasehold system, but the potential benefit, in the main, of being a single level of government.

The governance arrangements for planning have in the past also been subject to political interference and undue influence. This can have the impact of reducing public confidence in the process and impinging on the appropriateness of some planning outcomes.

There has been a focus on regulations and statutes at the cost of sound forward planning and policy development. In some circumstances, whilst there has been an admirable desire to achieve consensus planning, this has resulted in unacceptable delays in the delivery of outcomes and raised unrealistic expectations.

Combined, these pressures have contributed to the development over time of a planning system that is now resource intensive to administer, does not provide certainty, is unresponsive to change and innovation, is lengthy to work through and can be inconsistent in its application.

Of course, Mr Speaker, there will never be a perfect planning system, because of the wide range of views, vested interests, value judgments and understandable emotion associated with things that are precious to people. Because of this, not all points of view can always be accommodated, and any system that is devised will continue to be the subject of public and political scrutiny, as well as media interest.

I now want to focus on the intended aims of the reform process, which have been to simplify and streamline the territory's planning and land administration system so that it:

- has a clear purpose and intent;
- ensures timeliness in decision making;
- promotes greater certainty and consistency while maintaining sufficient flexibility to encourage innovation and high quality design;
- contributes to the achievement of sustainable outcomes;
- recognises the opportunity for planning to contribute to social equity;
- provides appropriate opportunities for community engagement in the planning process;
- supports a properly functioning property market;
- increases operational efficiency, integrates development and building assessment processes and reduces administrative complexity and repetition; and
- enhances the administration of the leasehold system so that it continues to contribute to the orderly development of the territory.

Key steps in the reform process have been:

- an examination of existing legislation, the territory plan and other policies and guidelines;
- an analysis of the current system as against the systems in other jurisdictions;
- identification of options for reform; and
- an analysis of the impacts of the detailed package of reforms and three tranches of short-term processes and practice reforms.

Mr Speaker, I will not today go into the detail of the consultation process that has been undertaken to date. I think it has been well outlined to date. I will now turn to the key changes that are being put in place through this legislation.

When I announced the package of legislation in December last year, I said that the government's reforms will make planning in the ACT simpler, faster and more effective because the policies and rules will be clarified, unnecessary approvals will be removed and acceptable change brought about by development will be more clearly defined.

One of the direct impacts of the change is that buyers of new single residences in greenfield sites such as Gungahlin will save themselves time and money. An estimated 1,500 new homes will be exempt from development approval fees, which are calculated based on the cost of the development, and other associated costs of about \$350 each. Other reforms removing the need for building permits for some minor work could save home owners up to \$1,000 on such work.

The main reforms that will be delivered as part of the package are:

- increasing the number of developments that do not need development approval, such as new single residences in greenfield sites and small structures, including garages, sheds and pergolas;
- better focused consultation, public notification and third-party appeal processes;
- introducing clear assessment tracks for different types of development;
- closer integration of leasing and development assessment so that the planning system operates more efficiently;
- simplifying and clarifying land uses as set out in the territory plan and consolidating codes that regulate development;
- retaining concessional leases and making the process more accountable; and
- introducing a transparent environmental impact assessment process, targeted at developments with significant environmental impact.

As part of its simplified development assessment model, the ACT is the first jurisdiction to adapt the national leading practice development assessment model to underpin development assessment decision making.

A central feature of the new land management system is the assessment track process. This system involves the allocation of a particular track or assessment method for each and every type of development. At the highest or most general level, development proposals will fall into one of three main tracks: exempt development that does not require approval; at the other end of the scale, prohibited development; and assessable development that requires a development application and approval.

All assessable development will be assessed under one of three tracks: the code, merit or impact tracks. The track-based system has several advantages. Firstly, it ensures an efficient use of resources by allowing appropriate levels of assessment resources to be tailored to each track. Secondly, it ensures effective processes by allowing appropriate and clear time frames and processes to be set for each track. Thirdly, it provides clarity and transparency for applicants and the wider public through consistent treatment of all developments in the same track.

I would like to give a brief outline of how each track will operate. There will be an increased range of development that does not require development approval, and an increased range of simple structures that do not require building approval or a licensed builder. For example, new homes in new estates will be exempt from development approval. Building certifiers will instead check development compliance against the relevant code prior to issuing a building approval. Relatively simple structures that can be safely built by a home owner—for example, small sheds and carports within specified dimension limits—will not require building approval, but may be subject to a safety code.

The development tables of the territory plan will indicate what matters are prohibited. The bill makes it clear that the Planning and Land Authority must not accept any application for prohibited development. Further, it will not be possible for the applicant to make a merit appeal to the Administrative Appeals Tribunal.

Development under the code track must comply with the stated quantifiable, numerical rules of a code. Because public consultation occurs when the codes are being established, applications in this track will not require public notification and there will be no third-party appeal rights. Similarly, agency referrals will not be required, as agency requirements will be included in the codes. The statutory time frame for decisions on applications in the code track will be 20 working days.

The merit track is most similar to the current system. Development proposals in the merit track will be assessed under rules requiring the exercise of judgment. Notification requirements will vary depending on the nature of the proposal. For example, single residential development will only require notification of the neighbours. A larger multiunit development may require full public notification, including a newspaper ad, a sign on the block and letters to interested parties. Third-party appeals will be available only for those matters that are fully notified, where a representation has been made and material detriment can be demonstrated, unless

exempt by regulation. Regulations will also provide for agency referrals, and decision time frames will be 30 days, or 45 days if representations are received.

The impact assessment track will apply to all proposals listed in schedule 4 of the bill and to any proposal that is not listed in a development table of the territory plan. Proposals under the impact track will require an environmental impact statement, which will be scoped to address matters that are relevant to a particular proposal. Agencies will be involved as appropriate at the scoping stage, with public consultation occurring at the draft EIS stage. Following consultation, a final EIS will be submitted to the authority and referred to the minister, who may choose to call an inquiry. Finally, the EIS is lodged with the development application to inform the decision-making process.

All development assessment applications in the impact track are publicly notified, during which the EIS will be available. Similar to the merit track, agency referrals will be determined by regulations, and the decision time frame is 30 or 45 days, depending on whether representations are received. Unless exempt by regulation, third-party appeals are available where a representation has been made and material detriment can be demonstrated.

I would now like to turn to the issue of leases and the definition of development. The bill contains a single definition of development, which includes the use of land or a building or structure on the land, beginning a use, changing a use and adding a new use. This definition will enable the territory plan and development assessment system to properly assess the impacts of a development proposal and for appropriate conditions to be placed on the continued operation of that development. Compliance is also enhanced.

The definition of development applies to both existing and new leases and permits a more efficient, better coordinated assessment system within the Planning and Land Authority—one that does not require parallel, separate processes for lease administration and development assessment.

The government has put in place significant safeguards to protect the leasehold system and in particular to preserve existing lessees' rights.

An approval to undertake a use will only be necessary where there is building work associated with undertaking that use and that work is not otherwise exempt. This applies to existing and new leases. The impact of undertaking a use in the manner proposed in a development application can be assessed and conditioned.

Rights to use land, a building or a structure granted under pre-July 2007 leases are not affected and may continue, including rights under a lease that is renewed either prior to its expiry or within six months of its expiry. A development approval is not required to continue to exercise those rights after the start of the system under the proposed act or to change from one authorised use to another. However, a development approval will be necessary if there is new building work associated with undertaking that use.

For both existing and new leases, approved uses, uses that have commenced and exempt uses on a lease cannot become prohibited by a change in the territory plan. If the use has not been commenced and the territory plan prohibits that use, it will still be possible to commence that use but the impact assessable track will apply. If a use is exempt when it commences and approval is subsequently required under the territory plan, approval will not be required.

Uses on existing and new leases that are lawfully commenced cannot be abandoned. Lawfully commenced uses on a lease continue when a lease is renewed any time up to six months after its expiry.

Leases will continue to provide a clear statement of tenure rights and obligations. There will be a single streamlined process for granting leases and transparent criteria for granting and administering concessional leases. The government will continue to require a direct grant of a lease for specific community purposes. The process and criteria for direct grants have also been clarified.

Mr Speaker, reform options for infrastructure charging and for a codified change of use charge system are still being investigated. Separate consultations will be undertaken early in 2007 on this aspect. I anticipate that I will be able to announce a revised scheme soon after.

I would now like to turn to the issue of compliance. A number of reforms have been made to strengthen the compliance process. Penalties for undertaking development without the required approval have been substantially increased and revised to include specific and reckless intent as well as strict liability. There is also a new offence for undertaking prohibited development with similar penalties. Undertaking development contrary to development approval conditions is a strict liability offence.

A new complaints process permits anyone who believes a controlled activity is being conducted to make a complaint. The Planning and Land Authority must respond to the complaint and keep the complainant informed. The list of actions that constitute controlled activities has been reviewed and updated. The ability to apply to the authority for an order to stop or rectify a controlled activity remains. In more urgent cases, the authority can issue a prohibition notice that has immediate effect from the moment it is received.

I would now like to turn to the issue of the content of the territory plan. The review and restructure of the plan, like the proposed bill, is intended to cut through the clutter and also to remove the overly complex and cumbersome way in which the current plan controls operate. The restructured territory plan will consist of:

- a map that divides the ACT into “zones” for planning purposes;
- a statement of strategic directions that sets out planning principles to guide long-term planning in areas of national or regional as well as territory interest;
- policy objectives that apply to each zone,

- codes that contain the detailed planning rules that apply to the development; and
- development tables for each zone that identify the minimum assessment track that applies to any given development.

Restructuring the territory plan will not result in changes to the broad land use designations of the existing plan. This means that residential land use policy areas will remain residential zones and industrial land use policy areas will remain industrial zones.

The territory plan codes will regulate code track and merit track assessable development applications. Requirements for code track assessable development will be prescriptive, while there will be greater flexibility for merit development applications.

Consultation on the revised territory plan has already commenced with key community and industry stakeholders being involved in the development of the code content. Further refinements to the detail are currently being made. A full revised territory plan will be available for public consultation in the first part of 2007.

There are ongoing discussions with the National Capital Authority to ensure that the territory plan meets the requirement of the Commonwealth Australian Capital Territory (Planning and Land Management) Act 1988.

Mr Speaker, I now turn to the issue of planning strategy. Given the length of the bill, I seek an extension of time. (*Extension of time granted.*) I thank members for that indulgence. This is a large reform package, and it is important to put all the elements of it on the record in its introduction.

The bill provides for the executive to prepare a high level, long-term planning strategy for the ACT, aimed at promoting orderly and sustainable development. The planning strategy will be the equivalent of the Canberra spatial plan and will allow for the setting of longer term strategic directions than what is currently provided by my statement of planning intent. It is not part of the territory plan, but the planning strategy does have the function of informing the development of any proposed variations to the strategic directions of the territory plan, subject to any variation also meeting the requirements of the Commonwealth Australian Capital Territory (Planning and Land Management) Act 1988. The strategy cannot be used in development assessment or tribunal processes.

Let me turn to the issue of sustainability. The achievement of sustainable development is one of the key underlying principles of the planning system reform process and is addressed at both the strategic and detailed planning stages.

At the broadest level, the object of the planning strategy is to promote the orderly and sustainable development of the ACT. It follows that sustainability is also an integral part of the territory plan, reflected through the proposed statement of strategic directions and, at the more detailed level, embodied in appropriate controls in codes. All detailed proposals, including estate development plans, will be assessed in this

context. The Planning and Land Authority must, as far as practicable, give effect to sustainable development.

I turn to the issue of territory plan variations. A number of changes have been made to streamline the territory plan variation process:

- New time limits apply to the different stages of the variation process. For example, interim variations will lapse after 12 months if they are not progressed.
- The planning and land authority will be able to amend territory plan codes by a notifiable instrument following a minimum 15 working day public consultation period, provided the change is consistent with the code's purpose and the policy framework.
- The planning minister will have the discretion to refer or not refer variation proposals for consideration by the Standing Committee on Planning and Environment or its equivalent.
- The bill requires the Planning and Land Authority to consider, at least once every five years, whether a review of the territory plan is necessary. If a review is considered necessary, the authority will undertake a detailed, strategic environmental assessment in relation to the review and make the findings public.

I turn to the issue of the review of the Planning and Land Act 2002. Section 54 of the current Planning and Land Act requires that the minister must begin a review of the operation and effectiveness of this act not later than 31 December 2006. The review is to have regard to the effectiveness of the operations of the entities established by this act, the need for the continuation of the existence of each entity, and the need for the continuation of this act. The act also requires the minister to prepare a report based on the review and to present a copy to the Assembly.

The Planning and Land Act is to be repealed when the new Planning and Development Act commences, which is scheduled to be from 1 July 2007. It is considered that the process of preparing the exposure draft of the new bill, with the detailed consultation processes, together with the fact that the government considered the role of bodies established by the Planning and Land Act—which resulted in the discontinuation of the Planning and Land Council—constitutes the required commencement of the review by 31 December 2006.

Mr Speaker, this is a significant review of planning and land administration in the territory. The bill represents the most significant change to planning and development assessment in the territory since self-government. It is the result of a broad and extensive package of work. It is with much pleasure that I commend the bill to the Assembly.

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

Planning and Environment—Standing Committee Report 22—government response

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency

Services and Minister for Planning) (11.20): Mr Speaker, for the information of members, I present the following paper:

Planning and Environment—Standing Committee—report 22—*Exposure draft planning and development bill*—government response.

I move:

That the Assembly takes note of the paper.

In association with my presentation of the Planning and Development Bill I am also tabling the government's response to the planning and environment committee report 22 of 2006, *Exposure draft planning and development bill*. In its report released in October the committee made 48 recommendations in relation to the exposure draft of the bill. Those recommendations largely focus on the refinement and clarification of particular provisions and respond to key matters raised by stakeholders during the inquiry.

In addition the committee suggested minor or technical amendments to the bill, as detailed in table 1 of its report. The government in its response has agreed, agreed in part or agreed in principle to 22 of the committee's recommendations. This has resulted in significant refinement of the bill. A further 14 of the committee's recommendations have been noted and addressed accordingly in the response, with 12 of its recommendations not being agreed.

Mr Seselja, as a member of the committee, provided additional and dissenting comments in relation to the provisions of third party appeals. He recommended that clauses in the bill which grant standing for third party appeals should be amended to ensure that organisations cannot be established specifically to gain standing. The government does not agree with Mr Seselja's recommendation, as this would appear to be an unreasonable restriction on the ability of people to form associations for a variety of purposes. This provision in the bill and related ones will be monitored following its implementation.

The committee has commended many of the aspects of the draft legislation, including the substantial simplification of existing legislative provisions, introduction of the track-based assessment system and a much improved impact assessment process. The committee has also commended the ACT Planning and Land Authority's commitment to engaging with the community during consultation on the bill.

In relation to the committee's comments on the territory plan and reflected in the government's response, the consultative process on the replacement of the territory plan has commenced. This will culminate in the release of a completely restructured territory plan for public comment in the first part of 2007.

I would like to thank the committee for its timely and effective examination of the key issues in this legislation and for its report. I am pleased to table the government's response.

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

Planning and Environment—Standing Committee Report 7—government response

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.23): Mr Speaker, for the information of members, I present the following paper:

Public Accounts—Standing Committee—report 7—*Review of Auditor-General's report No 2 of 2005: Development application and approval process*—government response.

I move:

That the Assembly takes note of the paper.

The Auditor-General's report on the ACT Planning and Land Authority's development application and approval processes was tabled in the Assembly on 5 May 2005. In its report on the Auditor-General's report, the Public Accounts Committee made 20 recommendations. The government has accepted the majority of the committee's recommendations, as most of the findings and recommendations of the audit report were previously accepted and have in fact been implemented. As noted in the committee report, a number of matters are also currently the subject of the planning system reform project. This project is one of the government's major policy reforms.

The committee's first recommendation was that "ACTPLA collate all AAT decisions and provide these in a clear and concise manifest so that a database of case law is easily accessible on the ACTPLA website for use by staff and proponents". This has not been supported by the government because such a database is readily available on the AAT website and from the Australasian Legal Information Institute Database, or AustLII as it is known.

For ACTPLA to maintain a separate database would be an unnecessary duplication of resources. ACTPLA has, however, previously established its internal AAT decisions review committee, the terms of reference for which include "to act as a high-level examination body for all planning related AAT decisions". This is to ensure that any legislative policy or procedural reforms are addressed. It is worth noting that a number of these issues are also reflected and addressed in the Planning and Development Bill.

A number of the Public Accounts Committee's recommendations relate to training and development issues, especially as these impact on planners. Whilst agreeing with the thrust of the committee's recommendations, there are obvious resource issues that need to be considered.

The committee also recommended that ACTPLA ensure that its community engagement practices are consistent with the government's community engagement initiative. This was made in the context of the time allowed for public consultation on the Planning and Development Bill. ACTPLA's community engagement processes

are generally consistent with the *ACT government community engagement manual* and in some cases exceed the requirements as set out in that document. ACTPLA is also required to comply with the statutory obligations for consultation in relation to matters such as assessment of development applications and draft territory plan variations.

Much of the work that is carried out by ACTPLA is broken up into a series of consultation exercises over an extended period of time which reflect the need to tailor consultation to the particular exercise being undertaken. Recent examples of this are the Molonglo Valley, as well as the planning system reform project itself.

In relation to the planning system reform, initial public consultation was undertaken over the period 27 May to 22 July 2005. As well as the release of a directions paper, four technical papers and accompanying fact sheets, more than 100 information kits were distributed to businesses, community groups and environmental organisations.

Twenty-seven information briefings were provided to a range of community, environment and industry representative bodies, as well as to a range of government agencies and committees. Over 260 people participated in those briefings, over 300 comments were recorded for consideration within this phase of the community consultation program and were considered by ACTPLA, and over 60 formal submissions were received.

The seven-week period for consultation on the exposure draft of the bill was considered to be appropriate in the light of the earlier consultation that was undertaken. There was also a parallel inquiry into the bill by the Standing Committee on Planning and Environment, which provided further opportunities for submissions on the draft legislation.

The exposure draft Planning and Development Bill 2006 and its associated documents were available for public consultation from 13 July to 31 August 2006. While this process was relatively tight, the consultation focused on identifying any unintended consequences or impacts of the new system. It also introduced the community to an outline of the restructured territory plan and an example code and development table.

It is important to recognise that consultation outside the formal consultation process has been ongoing during the planning system reform project. That has involved a range of key stakeholders in a variety of forums and meetings. All feedback received has been and will continue to be considered as part of the process of drafting and refining the bill. It has also informed development of the territory plan detail which, as I have already indicated, will shortly be available for public exposure.

The committee has also recommended that the government prioritise the advancement of the proposed sustainability legislation as a funded initiative in the 2007-2008 budget. As this is a matter for consideration within the budget context and budget priorities are for cabinet decision, it is not possible to agree to this recommendation at this time. I would like to thank the committee for its report on this very important aspect of ACT planning.

Motion agreed to.

Paper

Mr Corbell presented the following paper:

Planning and Development Bill 2006—Possible regulations.

Public Accounts—Standing Committee Report 8

MR MULCAHY (Molonglo) (11.30): I present the following report:

Public Accounts—Standing Committee—report 8—*Review of Auditor-General's report No 5 of 2004: leave management*, dated 29 November 2006, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MR MULCAHY: I move:

That the report be authorised for publication.

Motion agreed to.

MR MULCAHY: I move:

That the report be noted.

This is an important report, particularly in relation to the cost impacts on government. Auditor-General's report No 5 of 2004 was presented to the Legislative Assembly and consequently referred to the committee for inquiry. The audit report presented the results of a performance audit on whether leave management practices implemented in ACT government entities were compliant with certified agreements, legislation and government and agency policy.

The report examined, across a selection of ACT government agencies, whether leave management processes complied with the Public Sector Management Act 1994 and relevant standards, policies and guidelines. The audit sought to provide an opinion on the efficacy of the management of staff absence and the completeness and accuracy of management information on leave. The audit report also provided comparative statistics on the use of leave.

The committee received a briefing from the Auditor-General on the audit report. It also sought and received a government submission in relation to the audit report's recommendations. The government agreed to the 10 recommendations made by the Auditor-General and advised the committee that the "Chief Minister's Department will ask all government agencies to ensure that all measures identified within the

government's submission to the Standing Committee on Public Accounts are implemented as a matter of urgency".

The committee acknowledges the views presented and the conclusions made in the audit report. It believes that it made a number of important findings and suggestions in relation to leave management in the ACT public service. The committee's report examines a selection of the significant issues, including the key findings and recommendations raised by the Auditor-General in relation to whether leave management practices implemented in ACT government entities are compliant with certified agreements, legislation and government and agency policy.

The committee's report makes five recommendations covering various aspects of the leave management process in the ACT public service. I will read them briefly because I know members sometimes struggle to wade their way through all of these reports. The first recommendation was as follows:

The Committee recommends that ACT Government Agencies should identify reasons for excessive leave accrual and, where appropriate, develop clearance strategies designed to suit their workforces.

Interestingly, that is a matter the minister for tourism has raised in this place as an issue that is impacting on people's capacity to enjoy the tourist facilities. The second recommendation was:

The Committee recommends that the ACT Commissioner for Public Administration's *State of the Service Report* should report on the aggregate cost of unscheduled absence in the ACT Public Service.

Notwithstanding changes in that reporting arrangement that were identified in annual reports, it is an important issue to measure the aggregate cost of these absences. Recommendation 3 states:

The Committee recommends that the *Annual Reports (Government Agencies) Act 2004* and the *Chief Minister's Annual Report Directions* be revised to require ACT Government agencies to include in their annual reports details of the number or percentage of working days lost each year to sickness or other types of unscheduled absence or to disclose the aggregate cost of unscheduled absence in their financial statements.

Recommendation 4 states:

The Committee recommends, to the extent that work is not already taking place, that a central ACT Government agency be tasked with monitoring and analysing changes in leave liabilities and patterns on an agency-wide basis so that a complete ACT Public Service picture can be formed.

Recommendation 5 states:

The Committee recommends that the Legislative Assembly for the ACT notes the findings and recommendations of Auditor-General's Performance Audit Report No 5 of 2004: *Leave Management*.

As I am sure you will appreciate, Mr Speaker, a report such as this does not come to completion without the hard work and professionalism of many. I would like to conclude by thanking my committee colleagues, Dr Deb Foskey and Ms Karin MacDonald; those who assisted the committee with its deliberations; and the committee office. I commend the report to the Assembly. My committee colleagues may wish to make some additional comments.

Question resolved in the affirmative.

Public Accounts—Standing Committee Report 9

MR MULCAHY (Molonglo) (11.35): I present the following report:

Public Accounts—Standing Committee—report 9—*Review of Auditor-General's report No 7 of 2005: 2004-05 financial audits*, dated 29 November 2006, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MR MULCAHY: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR MULCAHY: I move:

That the report be noted.

Auditor-General's report No 7 of 2005 was presented to the Legislative Assembly on 13 December 2005 and consequently referred to the committee for inquiry. It has been the annual practice of the Auditor-General to provide a report such as this one, dealing mainly with matters coming to light during the audit of agency financial statements which are incorporated in agency annual reports presented to the Assembly. This audit report comments generally on the financial reporting and accountability in the ACT public sector. It also makes comparisons of agency budgets against financial performance as reported in their operating statements.

The audit report summarises the results of the audits of the financial statements of the territory and its agencies in 2004-05 and includes comments on significant matters found during these audits. The committee received a briefing from the Auditor-General on the audit report and sought and received a government submission in relation to the audit report's findings.

The committee considered and addressed the matters of significance raised by the audit report. Its report focuses on a selection of the significant issues raised and

provides a summary of the government's response in relation to these. The committee made five recommendations covering various aspects of financial reporting and accountability in the ACT public sector. The first recommendation was:

The Committee recommends that the Chief Minister's Department ensure that ACT Government agencies comply with sections 1.9 and 1.10 of the *Chief Minister's Annual Report Directions*.

Recommendation 2 states:

The Committee recommends that as a matter of standard practice, joint venture agreements with a Territory entity in which the Territory has a 'controlling interest' should include a provision that requires the audited financial statements to be provided to the Territory entity.

That has, of course, come out in the report filed yesterday as well. It is an area which we would hope will be addressed by the territory government. Recommendation 3 recommends that the annual reports of territory entities be legally required to include the audited financial statements of all entities in which the territory has a controlling interest relevant to the same matter. Recommendation 4 states:

The Committee recommends that the Government inform the Assembly on the outcome of Treasury's review of superannuation contributions owing to eligible Totalcare Industries Limited and Australian International Hotel School employees.

Recommendation 5 states:

The Committee recommends that the Legislative Assembly for the ACT note the findings of Auditor-General's Report No 7 of 2005: *2004-05 Financial Audits*.

Once again, I would like to pay credit to the work involved in producing this report. It is quite an extensive document, running to some 46 pages. That is not a small task to be undertaken. I would again compliment the contributions from the deputy chair, Dr Foskey; Ms Karin MacDonald, those who assisted the committee with its deliberations, and the committee office. I will not be here later this afternoon when the customary end of year remarks are made, as my eldest son is graduating with his law and arts degrees today, but I would also take this opportunity to commend Ms Andrea Cullen for the very professional work she undertakes on behalf of our committee. I commend the report to the Assembly.

Question resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Sitting pattern—2007

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.41): I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2007:

| | | | |
|-----------|----|----|----|
| February | 20 | 21 | 22 |
| March | 6 | 7 | 8 |
| | 13 | 14 | 15 |
| May | 1 | 2 | 3 |
| | 29 | 30 | 31 |
| June | 5 | 6 | 7 |
| August | 21 | 22 | 23 |
| | 28 | 29 | 30 |
| September | 25 | 26 | 27 |
| October | 16 | 17 | 18 |
| November | 13 | 14 | 15 |
| | 20 | 21 | 22 |
| December | 4 | 5 | 6 |

This pattern was circulated to members previously. Members will note there has been one change made since that circulation to bring the last sitting of the year forward one week to 4, 5 and 6 December. I commend the calendar to members.

Motion agreed to.

MR SMYTH (Brindabella) (11.41): I would like to thank the minister for tabling the sitting pattern this morning and for amending it. We had a discussion about the most appropriate week in December to have a sitting week, if we had to have one at all. I am pleased to see that the government has brought it back to the first week of December. I think that is appropriate, otherwise we were going to sit a week later than the sitting of the federal parliament. For instance, Ms Gallagher is off today for the whole day for a conference on ice in Sydney involving health ministers. It allows that sort of coordination.

As Mr Mulcahy has pointed out, there is a series of graduations, openings and closings, Christmas parties, end of school functions and all sorts of things. This week tends to be very cluttered with community activities, so I thank the government for moving that week to the first sitting week in December next year. With that, the opposition will be supporting the motion.

Motion agreed to.

Leave of absence

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

That leave of absence from 15 December 2006 to 19 February 2007 inclusive be given to all members.

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

That leave of absence be given to Ms Gallagher (Deputy Chief Minister) for this sitting.

Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent the adjournment debate for today continuing past 30 minutes.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Utilities (Network Facilities Tax) Bill 2006

Debate resumed from 12 December 2006, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.44): Mr Mulcahy has to attend to something fairly urgently on this particular bill. I will allow him to give the opposition position in relation to it.

There has been a lot of controversy in relation to this. There have been a lot of issues in relation to the government's general budget and the huge impost on the community as a result of that—indeed an extra 40 per cent in rates, charges and taxes to the average household and 60 per cent for many businesses. All these additional costs really impact on our community.

We have had a lot of debate recently in relation to school closures. That certainly has impacted hugely on people. I think some of these other charges and taxes are sleepers. A lot of people have already seen the increases in their rates. Battlers in Isabella Plains and places like Charnwood have seen their rates go up by 40 per cent. This additional charge will lead to, on some estimates, up to an extra \$137 per household if it is all actually passed on.

This is one of the two bills where there are some significant potential legal problems. I was interested to hear a Telstra representative some four or five weeks ago on the ABC indicate that there may well be legal action in relation to this. I will be very interested to hear what the Treasurer says in relation to that.

This certainly could be one of the areas where the government indeed finds itself in some difficulty. It was an issue I also raised about four or five months ago in relation to a number of cases where this type of tax could be problematic. I think that, at the time, the Treasurer was fairly confident that it may not have legs and that it may well be another tax like the water abstraction charge where he may face greater difficulties. I understand that Queanbeyan City Council might be taking action there.

This was certainly one of the two where there were, at face value, some legal difficulties. I was certainly interested in the Treasurer's response to that at the time. I

was also interested to hear that issue again being raised more recently and with great confidence by the Telstra representative for the ACT. I doubt very much if they would make idle threats there. Of course it has been a controversial issue, with Telstra threatening to put notices on people's bills saying that this tax is courtesy of the ACT government.

I am concerned too that taxes like this simply serve as a great disincentive for people to come here and invest in Canberra. It is certainly a disincentive for businesses. It is a disincentive when we need to encourage people to come to Canberra. We have a skills shortage. We need to encourage business. Whilst it is nice to see so many cranes on the horizon around Canberra, the boom cannot go on forever.

It is crucially important that we encourage investment here right across the board. A charge like this is very much a disincentive for people wanting to come here. It is indicative, I think, of a government that has significantly, over a five-year period, mismanaged the economy and let its public service grow to far in excess of what it apparently would have intended if it had been keeping its eye on the ball. Clearly, it was not. It let expenditure run away with it. Now it is making a number of panicky decisions to cut back on that, and this is one of them.

There are some hidden problems in this particular bill and, it would seem, still some potential legal ones. There are certainly problems in relation to people investing in the territory. At the end of the day—because obviously it will be passed on—it is just another slug to the average Canberra punter out there in the suburbs.

MR MULCAHY (Molonglo) (11.48): I would firstly like to thank the Treasurer and his staff for their assistance in providing me with a comprehensive briefing on this bill, allowing the opposition to understand and prepare for the debate on this legislation today. The Utilities (Network Facilities Tax) Bill 2006 has been designed for the sole purpose of boosting territory revenues by imposing a new tax on network facilities that are built on land in the ACT, effective from 1 January next year.

For the purposes of implementing this tax this legislation defines “utility networks” as those used for transmitting and distributing electricity, gas, sewerage, water and telecommunications. Some of the examples of these networks include infrastructure such as powerlines, pipes and telecommunications cabling.

There are so many ways in which this legislation can be attacked that we will struggle to include them all in the time that has been allotted. I intend, therefore, to focus only on the main flaws and the Treasurer's justification behind introducing this new tax, so that the Assembly and the people of Canberra can be made fully aware of the mistake this government is making in introducing this ill-conceived and desperately confused piece of legislation.

Let me begin by examining the arguments that have been presented by the Treasurer in the lead-up to this debate concerning the ACT government's need to introduce this tax. Put simply, these arguments are unsound and fail to take into account all the facts. For instance, when Mr Stanhope announced his contentious decision to introduce this new tax, the Treasurer argued that the ACT needed a broader revenue base to pay for

the unrealistically high expectations of the ACT taxpayer regarding the provision of essential services—a serious crime against the people of Canberra.

This has been an all too familiar refrain from the Treasurer, who, since the horror budget he presented to the Assembly earlier this year, needed to couch such offensive revenue-raising measures in terms that allowed his cabinet to sleep better at night. It was the people of Canberra that suddenly had expectations of their territory government that were too high. They had had it too good for too long and now they would have to prepare for an economic reality check.

The territory government could not afford its current spending path on the limited tax base and revenues that it was currently receiving. Something drastic had to be done to stop the rot. Before we go any further, let us remember that this Labor government was in power for over five years before such a revelation occurred.

Despite the attempts to dredge back into the past and blame former governments of this territory, five years is long enough to accept responsibility for the expenditure overruns that have been experienced in the ACT. Let us also note that this desperate appeal for belt-tightening was presented in terms of the territory's own locally generated tax revenue. The Treasurer failed to acknowledge in this ruse, however, the substantial improvement in the ACT government's revenue base following the introduction of GST in 2000. In fact, this government is expecting to receive \$758 million in GST receipts this financial year, which is a six per cent increase on last year.

When you view this in the context of the almost \$4 billion in GST revenue that the ACT has received since GST came in in 2000, which is over \$90 million above budgeted expectations, the real reason behind this new utilities tax becomes painfully apparent—that the Stanhope Labor government is introducing this new tax because in fact it has totally mismanaged successive ACT budgets. Why else would this government even consider shaping up to the major telecommunications companies, putting so many of the industry's noses out of joint, for only a relatively small injection of revenue into its coffers? This is what this government has done.

Mr Stanhope has single-handedly sullied any remaining faith that the private sector and industry groups may have had left in his government after this year's draconian budget. The proof of this is in the strongly worded letter Mr Stanhope received from all six major telecommunications providers in the ACT, including TransACT, I might note, in the lead-up to this bill being presented and debated. Imagine the kind of slap in the face it would take for all six major telecommunications providers in the territory, who are fierce competitors, to jointly sign a declaration of opposition to the proposed legislation. This has been accomplished with this piece of legislation.

Let me quote a few excerpts from the letter in question to give the Assembly a feel for the degree of displeasure these corporations felt and are still feeling towards this piece of legislation. The letter states, "We believe that the introduction of this new tax will bring about a number of serious unintended consequences for the telecommunications sector, which would prove detrimental to the territory. It goes on to state, "We also believe the adverse effects of these unintended consequences, which substantially

outweigh the expected revenue benefit of approximately \$3 million, are expected to be derived from the portion of the tax extracted from the telecommunications sector.”

Soon it will not be just the telecommunications companies who feel this way. The utilities and telecommunications companies that will be affected by this new tax will inevitably pass the increased costs from this new impost straight through to the end consumers, therefore increasing the prices paid by those consumers. Yet the GST from which this government is already enjoying a steady stream of growing revenue already applies to these same services.

In effect, this new tax is something of a rip-off of ACT utility consumers because it allows the ACT government to effectively double-dip in its take of taxes on the consumption of utility and telecommunications services. This flies in the face of the agreement this government made with the federal government in the intergovernmental agreement on GST and, more significantly, forces the people of Canberra to pay double tax on services they simply cannot live without.

Where else in Australia would we encounter a government that has the nerve to knowingly and deliberately double-tax its citizens just so its budget bottom line looks more attractive? I simply cannot fathom how the people of this territory, once they are fully informed about the implications of this tax, will willingly subject themselves to paying two lots of tax on such essential items as utilities and telecommunications services.

When you look at this issue from the standpoint of the territory's general business climate, the news does not get any better. The unfortunate reality of the situation is that the application of this tax on telecommunications will discourage new investment by them in the ACT, primarily because no other Australian state or territory government jurisdiction has ever imposed such a tax.

This deterrent to new investment will only further disadvantage ACT businesses and households who are keen to adopt better IT and telecommunications technology. In addition, it will damage irrevocably the attractiveness of the ACT to new businesses dependent upon the use of advanced IT infrastructure, including, quite conceivably, new or expanded federal government departments.

I am not naive enough to say we will not have telephone services in Canberra but I am quite sure that, when Telstra are looking at where they will roll out new technology, we have suddenly made Canberra the most expensive option for them in Australia. It is beyond belief that this government would jeopardise the prospect of future investment by the private sector, and even the federal government, which would considerably assist in the long-term growth of the ACT economy just so it can make its budget bottom line look marginally rosier than it is at present.

In truth, this is what the Chief Minister proposes to do by attempting to pass this desperate and poorly thought through piece of legislation. To see the extent to which this bill is a hurriedly prepared and confused revenue-raising measure, we need only look to the fact that this government decided to dramatically change the mechanism of this new charge from a utility land use permit in the 2006-07 June budget to a network facilities tax.

In its briefing to my office the ACT Treasury conceded that the method of imposing this new charge on utility providers was considered too complicated and impractical in its original form in the June budget. It had to be modified from a permit to a tax to have any chance of being remotely workable. Even now, the government are still not able to confirm the exact methodology by which the key measurement of utility network route length will be taxed. Instead—and I am using their words—they are relying on informed guesswork, coupled with assurances that agreement with the utility providers will eventually be achieved.

It is now mid-December and the tax is expected to be effective on 1 January. I think Treasury had better get a wriggle on in finalising these somewhat important details before letting it loose on an unsuspecting ACT public. As I understand it, as of yesterday they still had not sorted out how on earth Telstra is meant to go and measure the length of every telephone cable in Canberra.

Finally, Mr Stanhope has indicated that he intends to proportionally increase funding for pensioner rebates on energy, water and sewerage bills in order to reduce the impact of this tax on pensioners and Department of Veterans' Affairs gold card holders. Yet, strangely, there was no mention of doing this in respect of the extra telecommunications costs these people are expected to endure. Consequently, it seems that pensioners and Department of Veterans' Affairs gold card holders, who are some of the most vulnerable members of our community, will simply be forced to cover the full cost of this new tax applying to telecommunications.

How about those people on fixed incomes and families with already cash-strapped budgets, thanks to the increased rates and charges introduced in the ACT 2006-07 budget, being reflected in new bills almost every day as we sit this week, which will see their costs of living go up dramatically? It seems that this Labor government is happy for them just to wear the extra costs. Let us hope they remember this treatment come 2008, when the arrogance behind this budget can finally be brought to account by the people of Canberra.

What is the expected revenue return from all this confusion, grief and upset? The government's current estimates on financial returns as a result of this tax are \$7.967 million in the first six months of operation, rising to approximately \$16 million in future years. Is an extra \$16 million in revenue worth all the trouble and adverse publicity that we have received from one end of Australia to the other? Surely, if this Labor government tried a little harder in making its service delivery more efficient and stopped pouring money into bloating the public sector, it could easily find this money without slapping a new tax on the people of Canberra, which is estimated to amount to an extra \$137 per household.

Our opposition to the passage of this bill is entirely consistent with our opposition earlier this year to the 2006-07 ACT budget in its entirety. We believe now, as we did then, that this legislation represents part of that horror budget that aimed to tax Canberrans out of existence and perpetuate the management of inefficient government in this territory. Our belief in a smaller approach to government that focuses on providing the community with efficient services in core areas fundamentally conflicts

with this government's finger in every pie philosophy. It is this philosophy that will be kept alive by the passing of this legislation that sits before us here today.

Put simply, the introduction of this new tax by Mr Stanhope's Labor government is poorly justified. It is a poorly justified way to recover lost revenue from his poor management of the ACT budget since he was elected in 2001. This tax essentially hits people who already pay tax on utilities through the GST that this government collects and has handed over to them. It further damages the ACT's attractiveness for new infrastructure and business investment relative to other states and territories.

I have people living as close as North Lyneham who are complaining about technological deficiencies. I have electors in my district in Gungahlin who are complaining. What does this government do? It goes out and finds ways to discourage Telstra from doing further business in the territory. It damages the ACT's attractiveness. The development of this tax has been fraught with confusion from day one, as is clearly demonstrated by the mechanism of the tax being changed so drastically since the June budget. There continues to be ongoing uncertainty over its methodology.

It is quite extraordinary, with the absolute fumbling and incompetence behind this tax, that they announced it with great gusto in the budget. We sat down at the press club and heard Mr Stanhope justify this. Then, with hardly a mention, he suddenly trashed that and came up with a new scheme.

When I sat down with officials in my office only in the last couple of weeks, they admitted that they have no idea how Telstra is meant to work out the linear length of the cable. They admitted that they do not have a methodology and that they are going to have to rely on them to guess their way through it. Maybe we could get up a federal income tax system or just guess what we earn and come up with a fair figure. What an extraordinarily incompetent way to manage the taxation affairs of this territory. It is a reflection of ill-considered legislation. It is a reflection on this territory because we have become the subject of national criticism.

It is a piece of legislation that should be withdrawn. It should be acknowledged that it is a blunder and that, given the minuscule amount of revenue it raises in the scheme of things, the pain is greater than the benefit to this territory. It is for these reasons that the opposition strongly opposes this bill that will spell nothing but pain for the people of the ACT, all for a bit more revenue to make up for this government's past mistakes.

DR FOSKEY (Molonglo) (12.02): The Greens will not be supporting this bill because it fails to take a triple bottom line approach. While I acknowledge the inadequacy of the ACT government's revenue base—we certainly could support new revenue measures—I do not believe the government has taken the time to work out the best way to do this in this instance. If the Treasurer had produced a new revenue measure that demonstrated a progressive impact on ACT residents and on our environment I could more easily support the bill, but what we have before us is a revenue measure that was hastily announced in the 2006-07 budget with little analysis conducted prior to that and tabled in final form only two days ago.

The Greens opposition to this bill is supported by three key recommendations from the February 2004 public accounts committee report on revenue raising issues in the ACT. In short, recommendation 6 encourages the government to consider more progressive taxes; recommendation 11 calls on the government to establish a comprehensive concessions policy; and recommendation 15 requests the government to consider the feasibility of incorporating environmental concerns into revenue-raising measures.

The \$16 million raised annually through this revenue measure will come from ACT residents, as the tax will almost inevitably be passed on by utility providers. The average increase in utility costs at the household level will be \$137 per annum. Add to that the 6 per cent rise in rates—rates then to be tied to the wage price index—the \$84 fire and emergency levy, the \$200 false alarm call-out fee, the increased ambulance levy and the \$84 to \$137 water abstraction charge, and it is easy to see why so many people are concerned about the impact these revenue measures will have on low-income households.

During the briefing my staff and I received on this bill we were informed that the ACT government could increase its provision of community service obligations after it determined the impact of the utilities tax on consumers. We were also told that the Essential Services Consumer Council had a virtually unlimited ability to decrease or wipe away a person's debt in cases of hardship. Our concern is that the change in community service obligations would occur only after a demonstrated change in price as a result of this tax. We can expect the government's work on this matter to take some time, probably years. Until the government takes these steps, recipients of CSOs will have to deal with the increased price passed on by utility providers.

I draw to the attention of the Assembly the ESCC's 2005-06 annual report. It notes that the number of hardship applications considered by it has risen dramatically over the last few years, and that perhaps, due to council's increased workload, the number of people not meeting its conditions has risen. It worth also considering who is eligible for CSO concessions. Centrelink pensioner concession cardholders, veterans affairs pensioner concession cardholders and Department of Veterans' Affairs gold cardholders are able to access a 65 per cent rebate on water and sewerage supply charges. It should be noted that this rebate is not available on consumption costs or to private tenants.

Centrelink pensioner concession cardholders, Centrelink health care cardholders and veterans' affairs pensioner concession cardholders are able to access a CSO capped at \$189.11 per annum for electricity and natural gas charges. However, this rebate is also not available to private tenants. There is no such concession for telecommunications, although the Australian Communications and Media Authority is currently considering an industry-regulated code of practice regarding consumer credit management.

The fact that health care cardholders can apply for a CSO on their consumption of electricity and natural gas, but not for the sewerage supply charge or the consumption of water, shows the inconsistency in the government's ad hoc concessions program; I dare not call it a policy for it is apparent that the government does not have one. I also

find it disturbing that private tenants cannot apply for either of these rebates or ESCC consideration of their debts because generally they are people who cannot afford to buy their own homes.

I also cannot understand why the government has not considered the impact of welfare-to-work on the ability of the unemployed, people with a disability and sole parents to apply for these concessions. If they lose their pensioner or health care cards due to federal government policy, they also lose their current right to access utility concessions. It seems that the ACT Labor government is happy to fight hard against AWAs and WorkChoices, but those people who are most disadvantaged and who are adversely affected by welfare-to-work simply drop off the radar screen.

It is tempting to think that this government turns its back on them, but I suspect it would be more accurate to state that this government does not consciously turn its back; it simply does not see them. Whether or not it likes it, this is a major problem with which it will have to deal. We are yet to hear whether the federal Labor Party will reverse welfare-to-work if elected. This will be the big test for the new and improved federal Labor team.

The current concessions regime is a mess. There are a number of cases where people who do not need the government's help get it anyway and people who need help are not eligible. It also appears to be the case that a number of private schools and churches not in a position of hardship will continue to receive utility concessions. Anyone who wants information about what they are eligible for had better have plenty of time on their hands to search through the maze of government publications. It is high time this government finished the concessions review it was conducting between 2002 and 2004.

The Office of Sustainability is currently conducting a review of the Utilities Act and it has been doing so since January 2004. Public submissions to its draft report were due on 31 August 2006, yet not once has the idea of the Utilities (Network Facilities Tax) Bill or any other revenue measure been raised through this process. Here was the perfect place for the government to develop such ideas, in partnership with the public and with private business. Why did it not do that? New revenue measures provide opportunities to repair and ameliorate market failures and, in the case of utilities, there are obvious environmental issues surrounding water and energy use that we, as a society, will have to address.

Anyone with any sense of self-preservation or sense of responsibility for other people, other species and other generations now recognises that the time for action was yesterday, today and as soon as possible. Climate change is our biggest threat at a global, national and local level. We have an opportunity to help correct a market failure that sees us emitting huge amounts of greenhouse gases merely because it is so easy in our society to do so. Why did the government not use this opportunity to make even minor corrections against this market failure?

Averting and adapting to climate change will require actions across government and the revenue raising system has a role to play. Silo thinking has again got in the way of action. My office was tempted to make amendments to this bill but as it is purely focused on a tax on the length of a utility's network there is little or no ability to

propose different tax rates for the consumption of renewable energy versus coal. While we recognise the value of the ACT government's greenhouse gas abatement scheme and other such actions, Stern has told us that these measures are not nearly enough. Here is an opportunity for us to improve the situation further.

Green energy already costs 40 per cent more than standard energy and there has been little increase in the take up of green energy by ACT residents. Instead of trying to minimise this market failure the government is exacerbating it by increasing the cost of green energy. Regardless of the short-term revenue gain, demand for standard electricity is relatively price inelastic, so I do not expect any significant reduction in power demand to flow from this added cost.

If the ACT bureaucracy is too lacking in imagination or expertise to present the government with policy proposals that include positive initiatives to reverse or slow the extent of market failure, it is time to recruit people who will, and the government should listen to and pay attention to them. Is this a problem of political leadership? When the head of Treasury expresses the view at a public hearing that the market, left to its own devices, will address all ethical and presumably environmental ethical problems, the time for change is long overdue. Business as usual is not acceptable. It is not ethical policy, it is not sensible policy and it will not take us into a future that our children deserve.

I also question the government's decision to include telecommunication networks in this bill. This was proffered as the primary justification for the current form of the bill. While it provides approximately one-quarter of the income raised through this tax, the inclusion of telcos prevents the government from placing different rates of tax on different types of utilities due to a High Court decision confirming that taxes on telecommunications cannot be discriminatory.

Acknowledging that the future of telecommunications is uncertain and we are in a period of rapid change, we are still curious to know whether the government has taken the time to consider the future of telecommunications and its impact on this bill, especially given the number of people who opt for mobile phones over home lines, and wireless internet access. Whether Telstra ever gets around to releasing ADSL 2 will also impact on wireless access. Telstra's threat not to place broadband in new ACT suburbs, while objectionable, is possible.

The New South Wales and Queensland governments are considering providing free wireless access to the internet in parts of their major CBDs. I wonder whether this will happen in the ACT. Perhaps the telecommunications network revenue will be secure for two to three years, but after that things could start to look very different. The ACT Greens are dubious about the ACT government's ability to use a whole-of-government framework, or to ensure communications between government agencies on like matters of interest.

I appreciate the government's provision of a regulatory impact statement but I see from this statement that Treasury did not consult with the Department of Housing and Community Services, which is in charge of the concession program, and the Department of Territory and Municipal Services, which is the office conducting a review of the Utilities Act and developing the climate change strategy. Why did

Treasury not consult with the Community Inclusion Board, given its recent household debt project?

I strongly urge the government not to use its majority numbers to pass this bill today. While I acknowledge that the Treasurer tabled a draft bill about three weeks ago, there has been very little time for discussion. The only groups that had their voice heard in this short debate have been the large utility providers, especially the telecommunications ones. The Greens think it would be much more productive to take this bill away, consult with DHCS, the Community Inclusion Board and financial hardship-based organisations about progressive measures, and consult with TAMS and environmental organisations about utility taxes that could have a positive impact on our environment.

Our office communicated this position to the Chief Minister's office on 7 December, only to be told that any time wasted was revenue lost. That is understandable but I wonder whether it has considered the cost that will come back to the government for having taken this backward step. It also underscores the desperate financial situation in which the government feels itself to be—one about which we are not supposed to know. If we could develop costings of the impact that this bill will have on green energy purchases or households being tipped over their debt threshold what would that be?

Even if the government does pass this bill today—and I suppose it will—it could admit that this is not the best measure for the long term. It could pass this bill today and commit to going away and developing a more appropriate revenue measure that takes a triple bottom line approach. An enlightened government would do that but, unfortunately, we have not seen much evidence of enlightened governance this week.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (12.17), in reply: I thank members for their contributions to debate, such as they were. I also thank members of the scrutiny of bills committee for their cooperation in allowing the government to introduce the debated bill with relatively short notice.

The Utilities (Network Facilities Tax) Bill provides for the introduction of a new tax on owners of utility networks within the ACT. The bill defines who will be liable for tax, how the tax will be calculated and the requirement to register and submit annual returns. The bill also provides for the Commissioner for ACT Revenue to make an assessment of the liability in the event that a taxpayer does not submit a satisfactory return. Finally, the bill makes it an offence for utility owners not to register within specified times.

The bill provides for the action to commence on the day after its notification day. However, the tax takes effect from 1 January 2007. The tax will be payable within 60 days after 31 March in each year. The first tax return will be for the period 1 January to 30 June and the liability will reflect that period. That is, the tax payable will be half what it would be for a full year. The bill also amends the Taxation Administration Act to include the utilities network facilities tax as a tax law. This brings the full rights and obligations of ACT taxation legislation to support the utilities network facilities tax.

The bill is important to implement one of the revenue measures that will enable the government to continue to deliver the important services that the community expects and demands. The owners of utility network facilities enjoy a privileged position in that they are given substantial access to land and of use of that land in the ACT for little charge or, in most instances, no charge. This tax will go some small way towards recognising the benefits accruing to owners of utility infrastructure from being able to run their networks through the territory. Of course, in most cases this charge will be reflected in the prices charged to users of the network for the services they deliver, which will better reflect the true cost of delivering those services.

As a tax law the bill has the support of the Taxation Administration Act. Section 139 of that act provides for the tax rate to be determined by disallowed instrument. The tax rate will be a single rate applicable to all utility networks. Various questions have been asked about the litigation experienced in other jurisdictions when some local government councils attempted to charge telecommunications companies for their installations on council land. This bill addresses that issue by not discriminating against any utilities. All are treated the same under the provisions of the bill.

The option exists for utilities to pass the cost of this tax on to customers, subject to regulatory and commercial considerations. The moderate level of the tax means that the average cost to each customer is less than \$100 per annum. The government recognises the need to reduce the impact on pensioners and Department of Veterans' Affairs gold cardholders. Consequently, increased funding has been provided for pensioner rebates on energy, water and sewerage bills. The government is also concerned to minimise the compliance burden on utility owners. In that context, we are inviting, and indeed encouraging, owners of utility networks to propose to us the least onerous but best possible measurement method for the approval of the Commissioner for ACT Revenue.

In response to Dr Foskey's proposal that the tax should be reworked to have a more progressive social impact, firstly I say by way of clarification that a progressive tax is one where taxpayers earning higher income pay a higher proportion of that income in tax relative to the lower income earners. While this may be a desirable target, the complexity of its application makes it practically impossible in some situations, including situations such as this. To effectively redistribute the cost between high and low income earners would require that utility owners take on that burden. Clearly, the complexity of such a system would make it impracticable.

As I have mentioned before, the cost to customers is expected to be less than \$100 a year. I suggest that the cost of administration required in redistributing the costs among consumers, even if there were a sound basis for doing so, would outweigh the benefits. Of more importance are the other methods the government has implemented to assist lower income earners and others who have need of assistance from time to time. Specifically, the government provides rebates for pensioners and Department of Veterans' Affairs gold cardholders, and pensioners and other concession cardholders are exempt from the ambulance levy.

Dr Foskey is suggesting that the tax be progressive by varying the rate according to the utilities service. I advise that that is not an option because of provisions in the

Telecommunications Act that prevent discrimination against telecommunication providers. Of course, it is conceivable that the tax rate could be higher for utility owners other than telecommunications, but this would add its own layer of distortion for the end company. In regard to encouraging better use of water and electricity, the charges for those services are set at a level to discourage waste and the water restrictions enforced are far more effective than a redistribution of this tax would be.

Finally, the tax is intended to raise revenue so that the government can continue to deliver the important service that the community expects and demands. Key public services can only be maintained if we have the financial resources to do so. As the Assembly is aware, the government has embarked on a comprehensive program to cut costs across the public sector but we also need to raise sufficient revenues. The revenue raised by this tax can be used far more effectively to redistribute social and environmental benefits than could be achieved directly through varying the application of the tax.

In that regard it is intriguing that the Liberal Party has announced another revenue measure that it will not collect in government. Today the shadow minister issued a press release entitled “New utilities tax completely unjustified”—a tax that the Liberal Party in government will not collect. It is interesting to reflect on that issue. That is \$16 million in revenue on top of the \$20 million fire levy that the Liberal Party in government will forgo. Add to the \$36 million in revenue that the Liberal Party will forgo those other initiatives that this government has announced or pursued and that the Liberal Party will reverse.

We need to reflect on these issues and it is time for the Leader of the Opposition to answer these questions. That is \$36 million a year in revenue measures that the Liberal Party in government will not collect. It will reopen the schools and establish a \$10 million re-establishment fund, which will get it nowhere. It will reopen all those schools and not collect parking fees from our hospitals. It will re-establish the tourism bureau and a whole range of sports grants funds that have been discontinued. It will increase funding for Business ACT, reopen the Griffith library and somehow pay for all these things. Of course, the list is much longer but we get to the point where we know that the Liberal Party is not serious.

These are promises that the Liberal Party has made now, two years out, and that cannot be kept. It cannot keep promises that it is making now to the people of Canberra for pure political effect; and it knows that it cannot keep those promises. The Liberal Party cannot reopen schools, reopen libraries, abolish paid parking in hospitals, reinstitute funding at the level it has declared for tourism, reintroduce into Business ACT a different starting regime at significant cost, provide the additional support and services to the ACT Police and the Emergency Services Authority that have been promised and, at the same time, reduce revenue by at least \$36 million, not counting the equivocal position expressed by the Liberal Party in relation to the water abstraction charge.

Essentially, we are talking about \$50 million in revenue that will be forgone and at least \$50 million in initiatives that will be pursued. In the last six minutes the bill for the Liberal Party's promises totals at least \$100 million. These are promises that cannot be kept. The ABC asked the shadow treasurer about his now essentially

withdrawn release relating to the long-term financial position of the ACT. Mr Mulcahy, with a complete lack of understanding of the Auditor-General's reports—

Mr Mulcahy: I think I understand them very well.

MR STANHOPE: He misunderstood them completely and he is embarrassed. Today we saw the amount of egg that was on his face.

Mr Mulcahy: Rubbish!

MR STANHOPE: How many times has the shadow treasurer had to issue secondary press releases withdrawing statements that he made in previous press releases? How embarrassing was that for him today? The shadow treasurer had to issue a clarifying press release suggesting that he did not understand the move from Australian accounting standards to GFS was designed to ensure that we did not rely unduly or unnecessarily on land sale receipts in the future. It must be most embarrassing for a shadow treasurer to admit publicly that he has a total lack of understanding of the accounting standard and of the Auditor-General's financial report to the budget. The shadow treasurer said:

I do not find comfort in the Auditor-General's comments that the ACT Government's current use of land sales to achieve balanced budgets is not sustainable ...

... that without land sales the Territory would have ongoing operating deficits.

... that the long-term financial position is weakening.

Those comments were all made prior to the last budget.

Mr Mulcahy: But they are still her comments.

MR STANHOPE: Why did Mr Mulcahy withdraw them today? Why did he publicly acknowledge that he simply did not understand the basic reason or justification for the move from Australian accounting standards to GFS? What appalling and embarrassing ignorance the shadow treasurer has shown. An interesting issue that is relevant to the decision of the opposition and the Greens to oppose this legislation is that it behoves the Greens, as much as the Liberals, to stand up in this place and say, "The Greens and the Liberal Party are happy to forgo that \$16 million in revenue." Which \$16 million of expenditure do the Liberals—

Dr Foskey: Did you listen?

Mr Stefaniak: No, he does not listen very well.

MR STANHOPE: Mr Stefaniak, whom we are told is leader of the opposition, should stand up today and tell us which \$16 million of expenditure he will not pursue, as a result of his opposition and determination to abolish this tax, when he comes into office. Last time the Liberals were in government they refused to fund mental health. They refused to appropriately fund disability services, child protection and the Emergency Services Authority. Is that where the Liberals are going?

Today on ABC radio Mr Mulcahy said, “We will cut the public service.” What part of the public service will he cut? Will he do what he did last time? Will he again cut mental health, disability services and the Emergency Services Authority? Will he refuse to fund child protection workers? Will he go back to the past, back to where he was, when he takes this \$16 million out of the budget? Which \$16 million of services does he intend to remove? What services are they and what \$16 million? After we add the fire levy, which \$36 million worth of services will he cut? This morning he said on ABC radio that he was going to cut the public service. That means services.

Mr Mulcahy: Point of order, Mr Speaker. The appointed hour for the adjournment of the Assembly has arrived. Do we not appropriately adjourn at 12.30?

MR SPEAKER: If I were to ask whether it was the wish of the Assembly to adjourn at this point I think somebody would say no.

MR STANHOPE: These are the questions that need to be answered.

Mr Mulcahy: We are just getting tired of this nonsense.

MR STANHOPE: He does not like being exposed. He has been exposed in relation to this issue, and he knows it. As shadow treasurer he cannot stand up in this place and announce that he will cut another \$16 million of revenue on top of the \$20 million from the fire levy. He is going to cut \$36 million in revenue measures without telling us what services he will cut. There are two issues here. He has no intention of cutting these taxes when he comes into office. Either this is a lot of froth and bubble or he wants to go back to where he was in the past, with no services for mental health, no services for disability, requiring a royal commission, no services for child protection workers, and no emergency services funding. That is his legacy and his form. That is what he is going back to and we know it.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 8

Noes 7

| | | | |
|--------------|---------------|------------|--------------|
| Mr Barr | Mr Hargreaves | Mrs Dunne | Mr Seselja |
| Mr Berry | Ms MacDonald | Dr Foskey | Mr Smyth |
| Mr Corbell | Ms Porter | Mr Mulcahy | Mr Stefaniak |
| Mr Gentleman | Mr Stanhope | Mr Pratt | |

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.35 to 2.30 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): I inform members that the Deputy Chief Minister and Minister for Health is on ministerial business in Sydney and is unable to attend question time. To the extent that I am able, I am happy to take questions that may have been directed to Ms Gallagher.

Questions without notice

Schools—closures

MR STEFANIAK: My question is to the minister for education. During the 2004 election, a spokesperson for Minister Gallagher made a commitment that no schools would close during the next term of a Labor government. No-one corrected his statement. In fact, 23 schools will now close, in a stunning breach of the electorate's trust that has drawn the condemnation even of national media such as the *Daily Telegraph*, with its headline "Class Clown". Why should the Canberra community have any confidence in your assurances on the future of their school given the government's track record on this issue?

MR BARR: I thank Mr Stefaniak for the question and the opportunity to correct the record. My understanding is that prior to the 2004 election my predecessor made a statement in the *Canberra Times* in an extensive interview on schools. She was explicitly asked whether she could guarantee that no schools would close. She said, "No. No minister could guarantee that no schools would close." The premise of Mr Stefaniak's question is in fact wrong.

MR STEFANIAK: Mr Speaker, I have a supplementary question. I doubt that I got that one wrong, but here is the supplementary anyway. Minister, will you initiate any future school closures other than those announced yesterday?

MR BARR: The government outlined yesterday a series of proposed closures and changes to the education system that take us up to the year 2011. The government has no plans to deviate from those proposals announced yesterday. We are looking forward to the next five years.

Schools—closures

MR MULCAHY: My question is to the Minister for Education. Minister, in the information that was released yesterday in association with the announcement of the closure of 23 government schools there is reference to a transitional support payment. Your documents say that families of affected students will be able to access a one-off transitional support payment of \$750. Minister, what is the basis for making this payment? Is there any differentiation between families that have one child and families that have more than one child that are eligible for this payment?

MR BARR: I thank Mr Mulcahy for the question and for the opportunity to put on record that the government does believe that it is appropriate to provide some financial assistance to students who will be affected by a school closure. So we will provide a \$750 transitional assistance package for each child that will be affected. So, Mr Mulcahy, were there to be two or three or four children there would be \$750 available for each affected child. The money would be used, obviously, for things like the purchase of new school uniforms and materials that would be associated with moving to a new school.

Schools—closures

DR FOSKEY: My question is to the minister for education and concerns the decision announced yesterday to close some but not all of the schools nominated for closure in the *Towards 2020* plan. Using the Ginninderra electorate as an example, in making the difficult decisions to close three primary schools in Hall and Belconnen but to keep Giralang school open, could the minister please advise the Assembly whether the decisions that were made were entirely consistent with recommendations of the department? What influence did school submissions, the response of school communities and representations by other MLAs have on the outcome?

MR BARR: In making decisions, I had regard to the educational, financial and social impacts on students at the affected schools, on the students' families and on the general school community. There were three broad categories of areas that affected the decision—broadly, educational, social and financial reasons. In looking at educational issues, we looked at the number of enrolments in the school, the trend over time and the projected enrolment numbers. We also sought to look at the education provision within the school and within the region and looked at the options available for creating stronger pathways from preschool to year 12.

We looked at the educational outcomes from each school. We looked at the potential to access a greater range of curriculum offerings at other schools in the region. We looked at the availability of extracurricular activities. We looked at the location and affordability of special education programs and the transitional needs of students in these programs. We looked at staff, administrative and supervisory issues, out-of-area enrolments at particular schools, the potential for a school to be converted to a different educational structure, and the potential for strategic partnerships between the school and other organisations. The ability to provide more options in schooling provision for Canberra families was also looked at, as well as the further development of excellence in the school system and particularly the importance of early childhood education.

Social factors that we considered included the changing nature of communities, particularly as neighbourhood schools are no longer the first choice for many families. We looked at the changing demographics in many regions, particularly as there are declining numbers of children. We looked at the fact that fewer children are now walking to school. We looked at the fact that there is a need to have schools where the children actually are and where families wanted to access them. We looked at the relationships within the school and the provision of other community services. We

looked at where the schools were located within each region and we looked at access to other schooling options within each education region.

On the financial side, we looked at how much it costs to educate a child in the school and how well the school building was, including maintenance costs and the costs required to bring the school up to an acceptable standard. We looked at the costs of operating the school. We also looked at the fact that there was a significant underutilisation of Canberra's public schools as a result of the changing demographics that I have referred to. We had reference to the fact that the education system is costing, on average, 20 per cent more than in other jurisdictions.

Also, obviously, as part of the consultation process and through over 100 school visits that I made and more than 700 meetings, we looked at what the school communities had to say and we have sought to respond to those issues and suggestions within the broader construct of the policy framework. That has been an extensive process. I do not think that there has been a process anything quite like it in the history of self-government. It has been the most extensive community consultation process in the history of self-government. I believe that we have arrived at a very positive outcome for education in the ACT.

DR FOSKEY: Will the minister or the department be writing to school communities which made submissions but whose schools nonetheless closed explaining exactly why their schools closed and why the department did not take up the innovative ideas they put forward to save their schools?

MR BARR: Yes, we will be publishing and have published on the Department of Education and Training website a full consultation report that outlines all of the issues that were raised and some of the ideas that were brought forward. We have published that document. We have provided on the website a range of information in response to some very frequently asked questions. I am more than happy to provide further information upon request.

Schools—closures

MR SESELJA: Mr Speaker, my question is to the Minister for Education and Training. Minister, some of the schools you listed for closure yesterday in the revised *Towards 2020* policy, such as Rivett primary school in my electorate of Molonglo, have a high proportion of students with special needs. Will each of the children with special needs in the schools you listed for closure have a completed and parentally approved transition plan by the end of next week?

MR BARR: I thank Mr Seselja for the question. We have been working very closely with parents of students with special needs since the beginning of term 3. I know there is a very dedicated team within the Department of Education and Training. They have been working very hard on creating individual transition plans. It is possible that not all will be completed. That is simply because some parents chose not to engage in transition planning until there was finality to a decision.

We sought to engage months ago—in July—to begin this process. My advice is that the vast majority of transition plans are complete. We will certainly endeavour to have

them all complete, but it may well be that some parents may not have fully engaged at this point. We will certainly be in contact with every affected student—every affected family—prior to the end of the school year. I am reliably informed that the vast majority of transition plans are in place. But, where they are not, we will seek to resolve that as soon as possible.

MR SESELJA: Mr Speaker, I have a supplementary question. Minister, do the families of each and every one of the children with special needs who will be displaced at the end of next week have a guarantee that their children will be placed in a new school setting that, at the very least, maintains the current service levels and care which they have been receiving?

MR BARR: Yes.

Schools—closures

MR SMYTH: Mr Speaker, my question is to the minister for education. I refer to comments by a parent of Tharwa primary school in today's *Canberra Times*. She said:

We are just shocked. Barr pretty much told us he would do everything he could to keep us open and we trusted him.

Why did you give the parents at Tharwa primary school the impression that you would do everything you could to keep the school open?

MR BARR: I never gave any undertakings that I would be able to keep the school open.

MR SMYTH: Minister, why did you betray the trust of parents at Tharwa primary school?

MR BARR: I did not.

Schools—closures

MR SPEAKER: Pursuant to standing order 43, Mrs Burke will ask her question seated.

MRS BURKE: My question is to the Minister for Education and Training. Minister, in June you announced the government's *Towards 2020* policy, which in its original form saw a proposal to close 39 schools and restructure many more. You outlined savings of over \$34 million over the life of the budget and staff losses of 22. Since you have modified the *Towards 2020* policy, what are the estimated savings in the budget and the outyears and what staff losses will there be?

MR BARR: I thank Mrs Burke for the question. Yes, obviously we will be revising down the level of savings over the four-year period. I understand it is in the order now of about \$21.5 million over the four years. Those figures will be factored into the midyear budget review that the Treasurer will release in due course.

It is the case also that the number of staffing positions that would be lost is now less as there are more schools that are open. It will be in the order of between five and 10 positions, I understand.

MRS BURKE: I ask a supplementary question. Minister, given your answer, then, have you abandoned all pretence of *Towards 2020* being a cost cutting measure?

MR BARR: *Towards 2020* was never a cost cutting measure. It was a measure in terms of reinvesting money in public education and reducing recurrent expenditure.

Opposition members interjecting—

MR BARR: It was aimed at reducing recurrent expenditure in order to plough that money, and a considerable amount more in capital investment, back into our education system. I know that those opposite—there are countless examples and Mrs Dunne is the best, of course—decry any investment in public education. All the time we get the cry that it is good money after bad. What was it she had to say about the investment in Tuggeranong—is this a thoughtless bribe? A \$54 million new school for Tuggeranong, according to Mrs Dunne, is a thoughtless bribe.

Mr Pratt and Mr Smyth, members for Brindabella, do you believe a \$54 million new school for your electorate is a thoughtless bribe? Do you? If so, put out a press release in support of Mrs Dunne. Do you believe that? Do those opposite seriously believe that a \$54 million investment in a state-of-the-art education facility for Tuggeranong is a thoughtless bribe?

Mr Pratt: I do not.

MR BARR: It is here on the record from Mrs Dunne in a press release dated Wednesday, 13 December. It states:

Investment in education is a good thing, but a thoughtless bribe.

A \$54 million new school for Kambah is a thoughtless bribe. That is what she said—it is a thoughtless bribe.

Mr Pratt: Bring on the bribes.

MR BARR: Yes. The question is: do the local Liberal Party members in that electorate believe that that investment is a thoughtless bribe? That is the question. They are silent, Mr Speaker.

Mr Pratt: No, we are tickled pink.

MR BARR: I certainly look forward to the support of Mr Smyth and Mr Pratt as the government delivers this \$54 million new education facility for the people of Tuggeranong.

Mr Pratt: I would rather see the set of schools that are there remain there, actually.

MR SPEAKER: Order! Resume your seat, Mr Pratt.

Education—early childhood

MS PORTER: My question is to the Minister for Education. Minister, yesterday you announced a new focus on early childhood education as part of the government's education reform package. Can you please inform the Assembly of the detail of this new focus?

MR BARR: I thank Ms Porter for the question. As part of the government's education reform package announced yesterday we did announce a new focus on early childhood education. Across the world there is an increasing recognition that the development of a child in the early stages of their life can set the foundation for learning, behaviour and health right throughout a child's school years as well as their adult life and that investing in early intervention programs and high-quality education programs in these years has lasting effects on a child's social, emotional and intellectual development.

The Stanhope government believe that our children are worth investing in and we want to give them the best possible start in life. I announced yesterday that from 2008 all preschools will be amalgamated with a primary school in order to streamline pathways for children, improve the continuity of learning and ensure that children can access an integrated education curriculum. I was very pleased to see this morning that the Canberra Preschool Society has welcomed this change and recognised the great benefits that can come from streamlining education pathways into primary schools. Society president Carolyn Harkness said on ABC radio this morning that students need to be able to have the continuity of education and that the Canberra Preschool Society is quite in favour of this concept of bringing preschool into primary. She did say that there are some administrative issues that need to be worked through, and that is why we are not seeking to implement the change until 2008. We look forward to continuing to work with the Canberra Preschool Society on developing this new model.

Parents from the Weston preschool also welcomed their new link with Arawang primary school, saying, again on ABC radio, that they were looking forward to more involvement with the school, including undertaking joint excursions. It is great to see such a positive reaction to this announcement. It is a great pity that those opposite are not able to join with the preschool society in welcoming this.

We have also announced the extension of an exciting education model for Canberra. It is an education model that is a convergence of modern education theory and demand from the community. The new model is around designated early childhood education schools which cater for children from preschool through to year 2. The government believe strongly that this model of education provides excellent early education intervention for our younger students and certainly we have responded to demands that it be available across more areas of the territory. From 2009 we will see four new P to 2 schools across Canberra. In southern Canberra schools will be located at Narrabundah, Lyons and Isabella Plains, and northern Canberra will be served by

Southern Cross in Belconnen, adding to the already operating O'Connor cooperative school in the inner north.

Research on the value of early childhood education programs, particularly for poor children, points to short-term benefits, including improved cognitive function, school readiness and social skills, and also positive long-term effects on school completion, further education participation, employment outcomes, earnings and general social wellbeing. According to Nobel Prize winner James Heckman, the establishment of an early childhood focus can help produce better citizens and more productive members of society. Professor Heckman states, in a presentation paper to the University of New South Wales:

There are many reasons why investing in disadvantaged young children has a high economic return.

It is a rare public policy initiative that promotes fairness and social justice and at the same time promotes productivity in the economy and in society at large.

Investing in disadvantaged young children is such a policy.

Further research states that the early period of brain development is critical for the wellbeing of our community, not just in physical and mental health but also in literacy and numeracy. So the early years of schooling are possibly the most important and we are committed to providing the best education possible in those years. Over the coming two years the government will be also working towards co-locating other early childhood services at these locations and my colleague Katy Gallagher and I will be working together to ensure that we have a best-practice model for our younger students.

Economy—management

MS MacDONALD: My question is to Mr Stanhope in his capacity as Treasurer. Is the Treasurer aware of a media release issued yesterday by the shadow Treasurer criticising the government's economic management? What factors did the shadow Treasurer nominate that posed a long-term threat to the territory's financial position?

Mr Mulcahy: No, the Auditor-General.

MR SPEAKER: The minister is not responsible for media releases from opposition members.

Mr Stanhope: On that ruling, Mr Speaker, the question asked: what factors did the shadow Treasurer nominate that posed a long-term threat to the territory's financial position?

Mr Mulcahy: It was about my press releases.

Mr Stanhope: I think it is quite relevant to my role as Treasurer for me to respond to concerns raised by the opposition as to the long-term threats to the territory's financial position.

MR SPEAKER: Ms MacDonald, read the question again, please.

MS MacDONALD: The second part of the question—

MR SPEAKER: No, just read that out.

MS MacDONALD: Okay, I am happy to do that. Is the Treasurer aware of a media release issued yesterday by the shadow Treasurer criticising the government's economic management? What factors did the shadow Treasurer nominate that posed a long-term threat to the territory's financial position?

MR SPEAKER: I will allow the question.

MR STANHOPE: I am aware of the views of the shadow Treasurer in relation to those issues that he regards as posing a long-term threat to the territory's financial position.

Mr Mulcahy: No, the Auditor-General cited them.

MR STANHOPE: These were revealed in a press release which—

Mr Mulcahy: I would just like the truth, that's all.

MR SPEAKER: Order, Mr Mulcahy!

MR STANHOPE:—which the shadow Treasurer released yesterday.

Mr Mulcahy: They are the Auditor-General's words.

MR SPEAKER: Order, Mr Mulcahy!

MR STANHOPE: It is one of a number of press releases on financial management that the shadow Treasurer has issued, all designed—

Mr Hargreaves interjecting—

MR SPEAKER: Mr Hargreaves, quiet, please.

MR STANHOPE:—to bolster his self-proclaimed reputation as a magician when it comes to economic management—

Mr Mulcahy: You didn't like the report from the Auditor-General?

MR SPEAKER: I warn you, Mr Mulcahy.

MR STANHOPE:—as a person with this unparalleled reputation. There were issues which Mr Mulcahy raised, one of which he withdrew today when I drew to his attention the absolute absurdity of his position. It is one of the attractive aspects of Mr Mulcahy's character that he is prepared, when one draws his attention to just how

idiotic some of his conclusions are, to say, “Oh, yes, actually that was really rather silly of me, wasn’t it? What a goose I am!”

Yesterday, Mr Mulcahy—and I acknowledge that today he withdrew his claim—was pontificating about his concern at the government’s use of land sales to achieve balanced budgets, a view which he said was not sustainable. He said that “without land sales the territory would have ongoing operating deficits” and that “the long-term financial position is weakening” as a result of all of this.

Of course, one would have thought that at least a shadow Treasurer—if not every single member of the Assembly, if not the community—knows that the reason that this government moved from the Australian accounting standard to the GFS was to ensure that we did not bolster the bottom line in our position by relying on land sales to balance our budget. That was the very reason we debated ad nauseam the decision that we took: this government moved the accounting standard from the Australian accounting standard to GFS to avoid that very result.

Six months after that budget was brought down, after we had debated it endlessly and after it had been the subject of numerous questions, how could the shadow Treasurer make such a fundamental mistake as to not understand that we had completely adjusted our accounting standards—the Australian accounting standard introduced by the Liberal Party when it was in government and utilised by the Liberal Party in government for seven years? This shadow Treasurer stood up yesterday and put out this nonsense about the extent of our reliance on land sales—a reliance which we no longer have, for the very good reason that it is an unsustainable practice and it is not transparent.

But the press release goes on. There are other findings by Mr Mulcahy—shadow Treasurer genius that he is—as to why our long-term financial position was rather less desirable and attractive than one would imagine. What did he say? He said:

Amongst its findings, the Auditor General reported that there were significant weaknesses in ACT Health’s control over, and reporting of, employee liabilities and associated expenses.

This was the second of the sins. What Mr Mulcahy did not report in his press release and which he has not acknowledged today is in the very next line. This is what Mr Mulcahy reports from the Auditor-General’s report:

Amongst its findings, the Auditor General reported that there were significant weaknesses in ACT Health’s control over, and reporting of, employee liabilities and associated expenses.

What is the next line in the Auditor-General’s report? It says:

ACT Health has subsequently addressed these issues.

The issues have been corrected and addressed. Mr Mulcahy, the shadow Treasurer, says that there are these appalling weaknesses in the department of health, in its reporting of employee liability and associated expenses. Shock-horror! Another threat! This is a press release under the heading “Threat to long-term financial

position”. Threat to the long-term financial position? The press release refers to Health’s “control over, and reporting of, employee liabilities and associated expenses”. This is reported as a long-term threat to the government’s financial position. What does the Auditor-General’s report say? It says that these issues have been addressed. Here we have this shadow Treasurer extraordinaire.

Then we go on to TransACT, the third of the issues. The press release says:

... it was found that TransACT’s non-compliance in providing audited financial results on time resulted in an adverse qualification on ACTEW Corporation’s financial audits ...

These are decisions taken by the board of TransACT. Actew is a minor shareholder. We have one of the smallest shareholdings of this public company. TransACT has no control. It is a minor shareholder; it has no control. (*Time expired.*)

MS MacDONALD: Mr Speaker, I have a supplementary question. What solutions did the shadow Treasurer propose to fix the problems he outlined in his media release? Can the Treasurer say if these solutions are sustainable?

MR SPEAKER: That is out of order.

MR STANHOPE: What a pity. The answer is none.

Schools—closures

MR PRATT: My question is directed to the Minister for Education and Training. It relates to an earlier question on the \$54 million Kambah school. Your answer was, “I want to see the status quo in the Kambah area continue.” Minister, yesterday with the unveiling of the government’s revised *Towards 2020* plan, you announced plans to build a \$54 million school—that school—on the site of Kambah high school.

What evidence did the government glean from the six-month consultation that supported such a proposal? What impact will the building of the school have on the remaining schools left in Kambah—Mount Taylor primary school and Urambi primary school?

MR BARR: Yes, during my extensive consultations regarding the proposals in Kambah there was a strong view that, were we to move ahead with the closure of Kambah high, we would look at providing an alternative education facility on that site. I held quite a number of discussions with various P&Cs, with the SRC at Kambah high, with the principals and with other stakeholders in that area and there was a particularly strong emphasis on the fact that, were there to be a decision to close Kambah, we would look at providing a new education facility on that site.

I announced yesterday that we would go out and further consult on a new P to 10 facility on that site, and that we would seek to engage with the community about how that would work. I said that what has been provided at West Belconnen, the design around the new Harrison facility and what is on offer in Amaroo would be a starting

point for this discussion. In 2007 I am going back to the community for further consultation on this proposal.

MR PRATT: Mr Speaker, I have a supplementary question. Minister, why did you not list the Kambah super school as an option for consultation in the original *Towards 2020* plan, as there has been a proposal around for this for several years now?

MR BARR: Yes, this issue has been discussed at particular points over a number of years. I know it has been strongly opposed by those opposite all throughout the particular debates on the prospect of a new facility in Tuggeranong. One thing is very clear: in this place only one party supports new education facilities for Tuggeranong, and that is the Australian Labor Party. Only one party supports new education facilities: the Australian Labor Party.

We are the only party prepared to invest money in public education. We are prepared to invest it in West Belconnen, Gungahlin and Tuggeranong. We very strongly support the prospect of engaging with the community next year about the design and construction of a new \$54 million purpose-built state-of-the-art education facility for the people of Tuggeranong. One party in this chamber will deliver that outcome, and that is the Australian Labor Party.

Schools—closures

MR GENTLEMAN: My question is to the minister for education. Minister, as part of your education package yesterday, you announced a record investment in public education, including a new investment in Tuggeranong. Can you please inform the Assembly of the details of that investment?

MR BARR: I thank Mr Gentleman for his question and for his very strong support.

Mrs Dunne: I raise a point of order, Mr Speaker. I think this question has been answered. Mr Pratt has already asked a question about the Tuggeranong P to 10 school, therefore it has been answered.

Mr Stanhope: It was not answered fully. He did not mention the bribe.

MR SPEAKER: Order! Mr Gentleman has asked a separate question. I think Mr Barr is entitled to answer it.

MR BARR: Thank you, Mr Speaker. I thank Mr Gentleman for his question and for his strong support of public education in the electorate of Brindabella. It stands in marked contrast to the other members for Brindabella in this place.

The Stanhope government has an excellent record of investment in public education. Since coming to government we have increased spending on education by more than 30 per cent. We will continue to build on that record. As part of *Towards 2020: renewing our schools*, the government has announced the largest ever single investment in public education in the history of self-government in the ACT. We have committed \$90 million for capital upgrades to renew our schools over the next four years.

In this financial year alone, that means over 220 projects in 70 schools across the territory. That means new science laboratories, new arts rooms, upgraded play and sports areas; and much-needed improvements to the look of schools. The government will also be investing \$20 million into information technology. This investment will help us meet the education needs of students in the 21st century and prepare them for life beyond school. As I have indicated in this place before, broadband connections will be upgraded to every public school in the ACT. That is an Australian first.

New schools will be built as part of this package. A new \$23 million school for Harrison is to open in 2008; a new \$45 million school for west Belconnen is to open in 2009; and a new college for Gungahlin is to open in 2010. Yesterday we built on this investment by announcing a new state-of-the-art \$54 million school, P to 10, to open in Tuggeranong in 2011. This school will provide a modern facility to serve the needs of students in Tuggeranong now and into the future. This is a further example of the Stanhope government's commitment to seeing state-of-the-art, modern schools in established areas of Canberra as well as in the developing areas.

As a government, we refuse to accept that students and teachers should work in surroundings that would be unacceptable in other workplaces. That is why we will invest the money that is needed to ensure that our classrooms are worthy of the students and staff that work in them.

Schools in more established areas will also be receiving capital upgrades. For example, we are going to be building a new hall at Chapman primary school, opening up more space for classrooms in this very popular school. We will be upgrading the playground at Calwell primary school. We are going to be upgrading the electrical systems of all schools to bring them up to modern standards. We will be giving them all a good lick of paint. Campbell high school and Ainslie primary school will undergo major older school upgrades, being the refurbishment of classrooms. Lyneham high school will have improvements done to photography rooms, their canteen and science laboratories.

Students with a disability will be assisted with a new lift at Turner primary school. At Alfred Deakin high school the science laboratories will be upgraded, as will those at Canberra high school. Canberra high school will also see upgrades to its home science area. And so it continues for so many schools this financial year—and this is just year one of our investment package. All Canberra schools will be upgraded by the end of the four-year program.

We are also going to use some of the \$90 million to better equip our schools for the environmental challenges we will be facing in the years ahead. It is our intention that, where possible, schools will seek to reduce both their running costs and their environmental footprint through sustainable design principles and retrofitting. We will take the lead in our community on ensuring the sustainability of our schools. We can already see some of these initiatives in action at schools across the territory. The government will continue to invest, to ensure we have schools that are sustainable and that students, parents and the community are proud of them.

We know this investment is not something the opposition supports. We know that Mrs Dunne thinks it is throwing good money after bad. Yesterday she described this investment in our educational system, and particularly the new school for Tuggeranong, as a thoughtless bribe and a government splurge. Mr Pratt has responded by saying he does not support it. Mr Smyth, do you agree that your constituents in Tuggeranong are, as Mrs Dunne describes, not worthy of this investment?

Mr Smyth: Why has it taken you five years?

MR BARR: We know, Mr Smyth, that you do not agree with Mrs Dunne.

Schools—closures

MRS DUNNE: My question is to the minister for education. Minister, on 15 August, you assured the Assembly and the community that each student affected by school closures would have a transition plan developed by the end of the current term. This process was to have started at the beginning of term 3. However, parents of closing schools state that they have no idea of where they will send their children next year. Minister, why do we have a situation that some students still do not have a transition plan in place a week before their school closes? Will students affected by school closures have the right of enrolment at any school in their area?

MR BARR: I indicated very early on in the process that we would begin transition planning from term 3, and we did. Those options were available for all students in schools that were proposed for closure. I think I am on record in this place on a number of occasions as saying that we would provide that transition planning so that they would have a plan A and a plan B, that if the school closed they would have the opportunity to be able to know at that point which school they would then go on to.

Many parents and students chose to wait until the decision day before seeking to engage in transition planning. We had the offer open from the beginning of term 3. Many parents and students took up that opportunity to prepare a transition plan at that time. We will continue to work with all students and all families affected throughout the rest of this year and into next year, if necessary, to ensure that every student that is affected by a school closure has an individual transition plan.

In relation to the second part of Mrs Dunne's question, it is very clear that students at schools that are proposed for closure have a right of enrolment at any school in their education region. My department's absolute priority is to look after the needs of affected students. We will, of course, be revising priority enrolment areas as a result of the closures to reflect the fact that the education map has changed, and information on those revised priority areas will be released on 8 January next year. But that does not affect the ability of students that are in a school that is to be closed to have right of enrolment at another school in their education region. The revised priority enrolment areas will apply to students who are new to the ACT government school system next year and they will not change the fact that students who are at schools that are closing will have a right of enrolment at a school in their region.

Minister for Education and Training

Motion of censure

MRS DUNNE (Ginninderra) (3.10): I seek leave to move a motion to censure the Minister for Education and Training for his handling of the *Towards 2020* policy.

Leave granted.

MRS DUNNE: I move:

That this Assembly censures the Minister for Education and Training for his handling of the *Towards 2020* policy, specifically:

- (1) he presided over the wholesale breaking of its commitments to the Canberra electorate when it promised no schools would close in the life of this Assembly;
- (2) his failure to adequately explain the purpose and justification of the policy;
- (3) his failure to provide the community with the necessary information on which the policy was based;
- (4) his failure to provide adequate reasons for the decision announced on 13 December 2006;
- (5) his decision to introduce substantial new initiatives into the policy at the time of its final announcement;
- (6) the poor handling of the announcement on 13 December 2006; and
- (7) the poor treatment of groups, individuals and community adversely affected by the decision.

Mr Speaker, we have come to this state today after just over six months of poor handling of the education portfolio by this new tyro minister for education. He has failed as a minister to properly handle his portfolio, and his specific handling of the so-called school renewal process *Towards 2020* is the single standout issue in his failure as a minister.

From the outset the handling of this process has been appalling. The way this was introduced, the way this was announced to the people of Canberra on 6 June this year, the way in which the material became available to people across the community and the quality of the material that became available to the people across the community shows an amateurish approach by a minister who is charged with carrying out his duties with the highest degree of professionalism.

The quality of the information, the way that it has been put together and the capacity that this minister and his department have shown in imparting this information to the people of the ACT reveal that the minister is an abject failure. This man has failed. From the outset his handling of the process has been appalling and to this day, even

after the final announcements were made yesterday, there have been no coherent reasons given why we have to have this so-called school renewal policy.

That is not to say that we believe that everything in the education department is rosy. We do not. We know that there are problems. Those problems are manifested by the fact that every year, for a variety of reasons, roughly one per cent of people leave the government education system. But we do not know what those reasons are. This minister has not been able to give a coherent reason to anyone at any meeting as to why we are having these school closures.

Today, yet again, we see the confusion that abounds in the Stanhope government. From the outset we have to remember that most of these approaches were brought about by the yet unpublished Costello report into ACT government finances. The Chief Minister, the previous minister and this minister have spent their time saying that we need to tighten our belts and spend less money on education in the ACT. In the first instance, in the pre softening up process—the minister repeated the figure over and over again in this place—the government put out the preposterous figure, the unbelievable figure that a child in a small school costs \$18,000 a year to educate, while children in larger fully subscribed schools cost \$8,000 a year.

We have seen those figures. We have heard the minister repeat them time and again in this place and in the media and we have heard the Chief Minister repeat those figures. The opposition has made inquiries, at the estimates hearings and by looking at all the figures, which confirmed that that figure is untrue. At one point in the life of one school, the operational costs were \$18,000 per student. There is hardly a school in the ACT, no matter how big and how well subscribed it is, where the operational costs per student are \$8,000. These figures were just false. Almost every element of the figures put forward by this minister to provide a justification for this radical approach to school closures were proved to be false.

The minister keeps talking about capacity. This morning he said that we have a school system with a capacity for 55,000 students, and this morning the Chief Minister said that we only have 35,000 students. We may have built a school system that has a capacity for 55,000 students, but we do not have that number now because many of the vacant school properties are already let out. There is a myth that is being perpetuated in the community by this government that there are acres and acres of empty school buildings across the territory.

Mr Speaker, you visit the community and visit the schools. You know how many ancillary organisations there are in these so-called empty schools. Most of these places are occupied by community organisations, by ballet schools, by the department of education itself, by the Australian Electoral Commission and by organisations like the YWCA. Across the community people are using the empty spaces in schools. It is a myth perpetuated by this government that there are acres of empty buildings just running up costs across the territory.

Almost everything about this process is a myth. In addition to giving no cogent economic reasons, this government has produced incorrect occupancy figures. On almost every occasion when a school sought to have their occupancy figures re-evaluated by the government, they were changed. On almost every occasion the

government agencies had got it wrong. This minister has not adequately explained why the figures were wrong. He spent a long time through the process actively deceiving the people of the ACT. There was, as I have said before, the myth of 18,000 versus 8,000.

Then there was the minister's deplorable treatment of small schools with higher levels of students with disabilities. The minister took the general cost of children in the schools, added to that the very high cost of funding students with disabilities and then divided that by the number of students in the school so as to inflate the actual cost of the average cost per student. No-one in this debate says that we should not spend money caringly on students with disabilities, but no-one would accept this minister fudging the figures by adding those two figures together to artificially inflate the cost of educating able bodied students.

On the second night of consultation this minister admitted that that was the case and undertook to fix the figures. To this day he has failed to do so. He has refused to do so. He has been exposed as someone who is prepared to let a lie stand in the community, rather than have his theories about why he should close schools in any way gainsaid.

The minister said, "In addition to saving money, we are going to spend a whole lot more money." There has been a constant contradiction which people in the community do not understand. They are asking why they are going through all this process to save this paltry amount of money. It was going to be \$34 million over the life of the budget. Today we hear that it is \$21 million over the life of the budget. Canberra families will suffer pain, anguish and five more years of upset, upheaval and chaos for a paltry \$21 million out of a \$1.6 billion budget. It is chickenfeed in the context of the overall budget.

If the minister wanted to save \$21 million out of a \$1.6 billion budget, he could go to the community and ask the community to work with him to find the savings. We would be able to do it. If the minister carefully read the submissions that he says he has adequately assessed in this consultation period, this 40-page summary of 380-odd submissions, and looked at the suggestions made by citizens of Canberra and people involved in school communities, he would easily be able to save that \$21 million without the heartache and the upheaval that he has inflicted upon people.

If you change Lyons primary school, my local school, in the way you want to change it, you will save a paltry \$500,000 in the outyears out of quite a substantial budget. The parents of Lyons made suggestions about how to save \$500,000 in the budget, but those suggestions were ignored because it really was not about actually consulting with the community. It was about pushing through a whole lot of pet initiatives.

Let us look at some of the pet initiatives. The best one, of course, is the one that Ms Porter has been so pleased to talk about today, the P-2 model. It was a P-3 to 4 model. I always wondered about that because in the old days, in the 1950s when we did have infant schools, they used to be kindergarten, first grade and second grade. Mr Stefaniak went to an infant school and many of my childhood friends went to one as well. They disappeared off the face of the earth in the mid 1960s because of changes in demographics and changes in people's working lives. It became too

difficult for families to manage to have one child at one school and one child at another.

This minister keeps talking in general terms about focusing investment on early childhood education. Is he seriously saying that the only places we are going to invest in early childhood education are in these four or five schools? Is he seriously saying that? Is he seriously saying that every other primary school that rolls out services to children in preschool and kindergarten and grade 1 and grade 2 will not be focusing on early childhood education?

He has created this myth that the government will be making a substantial investment in early childhood education. But every school is already doing that and we want you to invest in early childhood education in every primary school that you have control of. Do not just pick out special ones. If you want to have integrated programs, do it in the schools where the parents choose to send their children to school. Let us not have them moving all around the place if they do not choose to do so.

Some people choose to send their children out of area for a variety of reasons. But let us not have them moving there by giving them the impression that if they do not choose to send their children to these new P-2 schools, they are in some way not doing the right thing by their children and not taking the best possible option for their children. This is the myth. You are actually creating a two-class system. You have a P-2 school where all the best in early childhood education will be rolled out, and you have the others. Is that the way to run an equitable education system in the ACT?

This whole process of *Towards 2020* has been a catastrophe—the formulation of the original proposal, the handling of the consultation and the shonkiest, dodgiest figures that this community has ever been subjected to. The minister said that he would fix these rubbery figures and then absolutely point blank refused to do so.

Then, major policy changes are included in the final announcement. The policy changes may or may not be good. We will get to the problems with the super school model. I know that some people say my new best friend Mr Clive Haggard is a great advocate of the super school model, and it was his suggestion two or three years ago that there should be a super school in Kambah. That seems to have been overlooked in this whole process of putting together the original proposal. They were in such a hurry to put this together before the budget that they forgot to mention Mr Haggard's favourite proposal. They had to bring it in later on so that they could keep the education union just a little bit quiet on this process. Mr Haggard was quite right to ask on radio this morning why that proposal was not in the original proposal brought out in June. Presumably the only reason is that this mob was too incompetent to put it in in the first place.

There is an illogicality to the Stanhope government's approach to super schools. The government says it will put new infrastructure into established areas. How illogical is it, Mr Speaker, to tear down a school because it is too small or tear down two or three schools because they are too small and replace them with a bigger school? They are going to replace west Belconnen with a bigger school. They are going to replace Kambah with a bigger school. Presumably these are schools that cannot be filled unless they close more and more schools.

This minister has presided over a policy disaster. Now, at the end of the whole process, he has decided that he needs to cover his tracks by investing \$100,000 in advertising to cover the fact that, firstly, the government lied about the fact that they would not close schools and, secondly, that they lied about consulting with people. The government has continued not to pay any attention to the needs of people. I ask you, Mr Speaker: does this make Minister Barr the Dr Goebbels of the Stanhope government? I suspect that it does, and that is why this minister should be censured.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (3.26): Surprise, surprise! First of all, I acknowledge that it is a rite of passage for a minister to be censured by this mob. Seemingly you have not made it in this place until you have been the subject of a ridiculous censure motion moved by the Liberal opposition.

Let us begin where Mrs Dunne left off, at Kambah high school. I did not get the opportunity to finish my answer to Mr Gentleman. But it is interesting that George Palavestra, the principal of Kambah high school, does not agree with Mrs Dunne. I have met with Mr Palavestra on a number of occasions regarding education provision in Tuggeranong. He says that the facilities at Kambah are at the end of their life cycle and that he is “very enthused” about the wonderful facilities planned for the new school. He says the opportunities for students in Tuggeranong as a result of this decision “far outweigh the disadvantages in the long term” and that he is “very, very optimistic”. That is what the principal of Kambah high had to say.

At the beginning of this debate I was accused of putting forward a *fait accompli*. I go out and consult over six months, undertake more than 100 school visits, participate personally in more than 200 meetings, with officers of my department participating in a further 500 meetings, take extensive community feedback, modify the proposal based upon that—

Dr Foskey: You have not told us on what basis.

MR BARR: community feedback and we are accused—

Ms Porter: Of listening.

MR BARR: Indeed. The accusation here is that effectively we have listened to the community. Yes, we have. I confess. For the benefit of Dr Foskey, I listened to the community and I responded and modified the proposal accordingly.

Mr Stanhope: Shock, horror!

MR BARR: Shock, horror! Throughout this debate you guys said it was a *fait accompli*. We have responded to the community. There are countless examples of that in the consultation report. Mrs Dunne wants to know where the idea for the P-2 model came from. In consultation, the Canberra Preschool Society and the primary principals association suggested that the best model for early childhood would be P-2. We

agreed that P-2 would be the best model, so we accepted the advice of the Canberra Preschool Society and the primary principals association.

We have accepted that advice and we have gone ahead with the P-2 model in five locations around the city. One of them is already in operation, and it is an incredibly successful school that has a waiting list. I am sure if those opposite bothered to visit that school and see how successful the programs are, they might be more supportive of an early childhood education focus and realise that having some dedicated early childhood schools spread throughout the city is a good thing for choice and diversity within our system.

There are a variety of other areas where, as part of the consultation process, we sought to respond to what the community was saying. A clear example is 7-12 schooling within the north Canberra region. There was also a very strong desire from the community through the consultation process that we seek to engage more cluster arrangements around the city so that we can have groups of schools working together. Yes, we intend to continue to expand upon that program. It is a program that works incredibly successfully in the Lanyon Valley and has, in fact, been applauded by Professor Brian Caldwell, amongst others, as best practice in Australia and the world. So, yes, we intend to strengthen those cluster arrangements, and there is very strong support within school communities for that to happen.

It is interesting that over the course of the debate, Dunne engaged in what can only be described a series of back-flips. At one point earlier on she did acknowledge that some schools have to close. Then we went through the process where we were going to have to fund to reopen them all. Then, yesterday, on Ross Solly's program, she was asked, "Do all the schools on the list deserve to stay open?" Mrs Dunne replied, "I cannot honestly say that because I, like everyone else in the community, have had a good hard look at a lot of the schools. Some of them are small and do not have much prospect of turning around small enrolments." That is what Mrs Dunne had to say yesterday.

When pushed on the issue, she acknowledges the serious issues that are confronting public education in this territory. In her motion she says that we have not put forward a rationale for why it is that we need to undertake this change. I do not know how many times I have said it in this chamber, but I will repeat it again for the benefit of those opposite. Demographic change is a key feature of what is happening in our community. Over the last decade we have seen a decline in the school aged population. No-one has disputed that. Not even Trevor Kobold has disputed that. In his submission, he skirts around it and says that we have to look at individual suburbs, but no-one has disputed that across the territory there is a decline in the school aged population.

Equally, no-one is disputing the fact that there has been a drift away from government schools to non-government schools. No-one has objected to the obvious fact that the costs of education continue to rise and that this jurisdiction, one of the smallest jurisdictions in the country spends about 20 per cent more than other jurisdictions on education. Most of the time that is a conscious policy decision and it is one that I endorse. But what we have been doing in this system is subsidising schools because they are small for no other reason than that they are small. It is not because there is an

educational need, but because there is a socioeconomic need to devote more resources to a particular school or a particular region.

This reform process will enable the strengthening of education programs in areas where there are high levels of socioeconomic need and where we do need to invest additional education resources. It is the very strong view of educators that we needed to take this step. In fact, it is the very strong view of the vast majority of the Canberra community that this move is long overdue. I have said on a number of occasions that the reason the change has to be so large now is because nothing was done about it for 17 years, and both sides of politics are complicit in that. The politics of education over 17 years have perhaps not been the greatest moment in self-governance for this territory.

Mr Stefaniak has been in my shoes. He knows exactly the issues that we are confronting. Mr Stefaniak had to close some schools. The contrast is that when Mr Stefaniak was minister, his approach was to close Charnwood high with a month's notice halfway through a school year. The fact that my mother was a teacher at the school at the time I will not hold personally against Mr Stefaniak. I think the process was pretty rotten.

Mr Stanhope: A month!

MR BARR: There was a month's notice halfway through the school year. That contrasts with the approach of this government. We have gone out and consulted extensively. For those opposite to come up with this sort of rubbish at the end of what has been the most extensive consultation process on what is an incredibly difficult issue is absolute hypocrisy. We all acknowledge that it has been very, very hard. Of course it is. If it was easy to make this sort of structural change to improve our public education system, then I am sure countless people before this government and before me as minister would have undertaken such reforms. But it is not easy; it is difficult.

Yes, there is always the case for an opportunistic opposition to seek to take advantage of the process. That is what we have come to expect from this lot. They oppose pretty much everything. They have nothing else to say, no positive vision, nothing at all. Their solution is to sit on their hands for six more years, as if that is going to solve the problem. That is the Liberal Party's alternative, Mr Speaker, to sit on their hands for six more years.

If we do nothing now, what sort of structural change is going to be required at that point? It will have to be a significant change. That is the whole point. The reason we have to make the change now and the reason the change has had to be so large is because no-one has done anything about it for 17 years, and that is a shame.

I think the important thing is that if we are going to make this change, we need to back it with record levels of investment. It means taking a stance that favours quality over quantity in our education system. Quality is what we are seeking to provide in our education system. Clearly, there is a spectrum. At one end is complete locality, the Mr Pratt model, which would be a school at the end of every driveway, similar to his police model. At the other end is the extreme approach, which presumably would

have one school that would be the most amazingly equipped of all. We have to find a point along that continuum where we are able to provide quality education facilities.

I have made the point time and time again that at the moment the way the education system in the ACT is currently constructed, the public system educates around 60 per cent of students at over 180 sites. The private system educates the remaining 40 per cent at 44 sites. Forty-four sites educate 40 per cent; 180 sites educate the other 60 per cent. Clearly, that is not sustainable. It might well have been when the commonwealth government was funding education prior to self-government, but it is not sustainable now. It is not sustainable when there are only 35,000 students in our system and the number continues to decline.

That is what is happening in our community. We are seeing an ageing of the population. We have seen a 45 per cent growth in the number of people over 65 in the last decade and an eight per cent reduction in the school age population. That is a fact, an absolute fact. Mr Pratt, in his media release prior to the 2004 election, acknowledged that women were generally not giving birth to their first child until their late twenties and early thirties and having one or two children, not four, five or six, and that we were seeing demographic change in our community.

At that time my predecessor, Ms Gallagher, was interviewed for the *Canberra Times* and asked a direct question, "Minister, could you rule out any school closures?" She said, "No. No minister, no responsible minister could rule out school closures." I invite those opposite to look at that article in the *Canberra Times*, from memory, from the middle of August 2004, two months in advance of the election.

Fundamentally, Mr Speaker, what those opposite are effectively arguing today is that we should do nothing about reforming our public education system, that we should not be investing these record amounts of money, that students in public education facilities across this territory do not deserve high quality education or access to the best information technology and that the ACT should not be the leader in the use of IT in schools across the country and, quite likely, the world. We have a unique opportunity in this city state to have optical fibre broadband access to every school. This is something that we can do in this jurisdiction that is much harder for the Western Australian education minister or the Queensland education minister to be able to deliver within those systems because of the sheer distances involved. This is a great opportunity and a comparative advantage, if you like, for this jurisdiction.

But, simply put, we needed to make some changes. We have had the courage to go out and consult with the community over six months about these changes. We have listened to them. We have responded to the issues they have raised. We have sought to adjust our original proposal back to the final decisions that I announced yesterday. Those opposite have been irrelevant in this debate. They have had nothing positive at all to say about the future of public education in this city. Their solution has been to sit on their hands for six years and do nothing, absolutely nothing!

There is the folly of the shadow Treasurer, who says that the long-term economic viability of the territory is in doubt, then coming out with this one-off \$10 million capital fund, presumably, that will take money away from upgrades for other schools to reopen schools that are not viable. Of course, as we heard Mrs Dunne say yesterday,

there are a number of schools that clearly are not viable that they would not support. Maybe that is a question for future Liberal speakers: which schools will they reopen?

MR STEFANIAK (Ginninderra—Leader of the Opposition) (3.42): It amazes me, to talk initially about economic viability, to compare the various governments we have had since self-government. At self-government, the territory had a fairly good amount of cash, but it did not have it by 1992; it had been totally squandered by the Follett government. We inherited a \$344.8 million deficit which was turned into a surplus in about four or five budgets, after a lot of trouble. Mr Barr talks about investment in education. Mr Barr was not around then. He might have still been at school or university. We took to the 1995 election a policy that, despite the difficult economic times we faced, there would be one area in which we would increase funding by the CPI, and that was in education. That was a promise that we kept, despite that huge deficit. I think that shows how much value we place on education.

I think the economic competence of the previous Liberal government stands by itself. It is amazing how you lot have managed to squander so much money in excellent economic times. You have had so much extra GST money coming in, \$90 million more than you anticipated, and you still managed to get yourselves into the unholy mess which led to the disastrous, knee-jerk situation of the plan for school closures, the 2020 document, coming hard on the heels of the 2010 document which, incidentally, tended to back up what the spokesperson for the then minister said in saying that there would be no further school closures. The minister did not make that comment, but it was never refuted. So don't give me that sort of nonsense. Your plan has caused untold harm and damage to a number of school communities. Indeed, it has been quite illogical.

I was talking yesterday to someone from Isabella Plains who was very concerned about the P to 2 model. She has children aged three and seven and is not too sure now exactly where she will place those children. She would want them to be in the same school, but that would cause her immense difficulties. I went to Griffith infants school from 1957 to 1959. It was called an infants school and had a kindergarten and years 1 and 2. It really does seem that you have gone back to the future there. I thought you lot did not like John Howard's white picket fence, but you seem to have reinvented the wheel on that one.

I am well aware of how effective the cooperative school is in O'Connor, but I think there is considerable angst in the community about your plan. I am not even talking about closures now. We now are going to have six superschools. Whilst that might suit some people, a lot of the people I have talked to in going around the community have felt that one of the great benefits of our public school system was the fact that they could choose a small school for their children. Many people would drive across many suburbs to put their children into the school of their choice and many chose a smaller school. I think it is obvious educationally that kids with some disabilities, kids who need that extra attention, often thrive far better in a smaller environment.

In attending a number of meetings last year about the west Belconnen uber school, the superschool there, I found that a lot of the concern there was about the fact that the kids had done very well individually from being in smaller classes and being in a smaller school, and some of them were not looking forward to being involved in and

swamped by a much larger school. It is a matter of horses for courses: it suits some people but not all. You have restricted choice very much. Yes, Mr Barr, I have closed a few schools, but is Charnwood really the best you can do? It probably is the best you could do, because all the other ones certainly had a very lengthy consultation period—indeed, a model for how to consult which we have tried to put back into this Assembly but which you have rejected and which the P&C and the AEU have ticked off as a model for how to take a community with you if you have to make changes.

Mr Stanhope: You got the collywobbles, mate, and pulled out. You couldn't carry through. You didn't have the courage.

MR STEFANIAK: Mr Stanhope, it is nonsense to talk about courage. What a load of baloney! It was the Labor opposition which stymied any attempts at change in the past, which objected to every single change to the school system, every single school closure. You accepted a couple of amalgamations. I am not too sure if you criticised Stirling and Canberra colleges becoming the Canberra college, with the Phillip campus and the Stirling campus. You may have accepted that one. But I can distinctly remember when we had preschools down to about 11 or 12 children and you would object to a single preschool closing. We tried to take the community with us. We actually had a decent model. We would suspend the operations of preschools to see if they could get their enrolments back. Indeed, that happened at Lyons. The model which we introduced seems to have stood the test of time in terms of being accepted by the practitioners in the system.

Mr Barr, you deserve to be censured simply because of the absolute dog's breakfast you have made of your own figures as justification, such as figures showing that a school should have an occupancy rate of 400 and only had 180 when the capacity rate was far less. I think that school communities have shown the error in those figures in this six-month campaign. For example, Cook is a bit over 90 per cent full, because it has been a small school since about 1992 and there are other very good uses for that particular building. Obviously, that has worked fairly well, but you have closed it.

Turning to some of the other concerns of school communities, I was talking today to some people from Flynn, as was Mr Speaker, I think, and they said that they would understand it if their numbers were lower than those of lots of other schools, but a lot of the schools that have stayed open have lower numbers than theirs. They have quite a large number of kids, about 180, but, more importantly, they had about 73 seeking to enrol, all of them in the younger years. There seems to have been a baby boom in the area around Flynn and regrowth of the suburb and they are really scratching their heads, and probably gnashing teeth as well because they are very upset, as they just cannot comprehend why you would close their school. I wonder whether you have read their submission. Mrs Dunne and I have received a copy of the full submission and I doubt very much that it has been properly considered.

We have had some other absolutely amazing decisions. I have mentioned small schools. I mentioned history yesterday and I will refer to it again. I was most concerned to hear what was said on radio this morning by some people from Hall, which is in my electorate. They are really concerned about the effect on the local community there. It is a big village. It is almost a small country town, one of two

unique places in the ACT, the other one being Tharwa. Whereas Tharwa has about 20 houses at most, Hall has about 90 or so and services quite a wide community.

A lot of the children at the school there are members of families who have been sending their children there for generations. I know of parents who went there as kids and who are sending their kids there even from parts of Gungahlin. That school is a real focus of the community. Not only will you wreck the school there, but also you stand to wreck the community there in terms of the local shops, which do so well when parents drop in there after dropping their kids at school and maybe drop in there again when they pick the kids up from school. So it has much greater ramifications than merely closing the school in many instances, plus you have had no sense of heritage or history in closing those two schools.

They do provide a service at a very minimal cost. Remember, there are not huge cost savings in closing schools. On your own figures, I think we are talking about the loss of 22 or 23 staff positions, about \$2.2 million or \$2.3 million a year. You are not talking big bickies. It is not like other areas where you can make significant savings simply by closing schools. One thing I found out as minister, especially with primary schools, is that there is not a hell of lot of money in savings there, so it is not as if this is going to save you a lot of money.

It is very nice to knock down a building and build a new one, but again I hark back to concerns that were expressed at Ginninderra district high school last year before it closed. The fact is that not everyone necessarily wants a bigger school; indeed, many people do not. The thing you have not addressed is the drift of one per cent a year to the private sector. Judging by some of the calls today, I think the Catholic system is going to do very well out of this. That is going to continue and you have not really addressed that at all.

Some of these superschools are not necessarily going to be filled. I think there are some real concerns there. Real concerns have been expressed over the last 12 months in terms of Ginninderra district. How is it going to be filled? How is Kambah going to be filled now? Surely, minister, there is some way other than simply knocking down a building and replacing it with something for \$54 million. I think a lot of the parents and kids would rather you took some other course there.

Mrs Dunne touched on the way schools would bind together to help you save money. In Hall's case, and I will finish on that, \$149,000 was listed as being needed. The community said that they would pay \$49,000. (*Time expired.*)

DR FOSKEY (Molonglo) (3.52): I have looked at Mrs Dunne's motion and there is not a point there that I do not agree with, so I am going to have to join in this censure.

Mr Stanhope: Shame!

DR FOSKEY: It is a pity, really. We were just compiling points in my office as to why it is impossible to have confidence in this minister. I have also got to say here that the protocol is that we censure a minister, but I am acknowledging that Mr Barr is just the face of this action. He is the minister whose responsibility it is to do the work,

but my points and my censure motion, if it were able to be done, would apply to everyone on the government benches.

In a way, I admire Mr Barr's ability to carry through with such sangfroid or cold blood—and there I was apologising for my accent, not for people's ability to understand the word. I have to admire the poise with which he has travelled through this process. I know that, given the way that things work in this place and in politics in general, that is considered an asset.

But what we had here was a phoney consultation process which ensured that submissions made contesting government thinking were obscured for as long as possible, the denial by the minister of the injustice of judging a school's capacity on the basis of a number of temporary classrooms that are stored on site for the convenience of the government, and a minister who will not consider the impact of a school closure on its community in making the decision, who is not prepared to invest in alternative strategies to support schools and communities that are dwindling, who uses inaccurate or extreme costing figures as a way of casting all small schools in a bad light, who is unable to provide the pedagogical thinking to support the whole-scale reorganisation of the public education system, who has not conducted research on the drift from public to non-government schools, who has not conducted a risk assessment of the whole proposal, nor any comprehensive social or environmental impact analyses.

This is a minister who has not looked specifically at the impact of these closures on kids with a disability or kids living with disadvantage, who has not been prepared even to slow the process down in order to make it achieve the level of change manageable for the department and for the parents, the students and the teachers involved, who has not been prepared to release the functional review of the ACT budget on which the claims of overfunding are based, who has not been prepared to work in partnership with the work force or the parents, who has paid no regard to the ACT government's own expert advisory groups, including the Community Inclusion Board and the Government Schools Education Council, and who would not even declare in his media releases the schools and preschools that were being closed down.

I am quite sure—I can actually tell from the speeches that have been given today and yesterday—that Mr Barr has learned from the process. I am quite sure that he has learned a lot about running a public education system, about the difficulties of schools and the concerns that teachers have about these processes, but we will never hear him say those things. We will not hear Mr Barr say that the data was wrong or that he has listened to people and taken their ideas on board, because today I asked him a very specific question about specific schools and a specific area and he gave a prepared answer which was a generic response to a question he must have known he was going to get and he did not answer my question about why it was decided that Giralang would stay open and Cook would not. I support Giralang staying open, but do not understand why Giralang could stay open and Cook could not.

I do not understand why Flynn had to close. I do understand more from the government's own reasoning why Hall had to close, because it was fairly inevitable all along that it was going to close. We heard about the New South Wales students who go there. We cannot service them, apparently, unless they merge into a bigger

school. I think of the irony of that place which adds so much to the character of this modernist city. There we have some old architecture. We have a school that, apart from being a living school, is also a living museum of schools. I think that either there has been selective listening or some deals have been done. We have not heard about those. We can only guess, I suppose.

The minister says that most people drive past schools, so he will make them have to drive past schools. I have not heard any talk of teachers in this conversation. I did not think they were covered in the media release. It is teachers that make a school good or not; it is not the walls. We can improve the schools like anything. Go to London, go to places which have built great schools; but, where you have not got the teachers, you have not really got a great school. We have not talked about how we invest in teachers, the major part of our system, nor have we thought about why people go to small schools.

I have had calls and emails today about the closures. I guess these are going to be the first of many. I tell the senders, by the way, to get in touch with the minister's office because I think the minister should hear from them, that he should face the consequences of the decision he has made. I had a call today from a woman in Tharwa who has given me permission to use her story. She was in tears because she had taken her children to that small school in preference to the school they were going to because her daughter was cutting herself. A lot of that goes on in this community. If you talk to the Youth Coalition, you will find that angst amongst young people can get expressed like that. Now, of course, she has to send her daughter back to the school that she took her out of in order to overcome that issue. She was saying, "What can I do? What can I do?" I said, "Tell the minister."

Another email was from a woman who does volunteer work at Cook. She works with some indigenous students who are having trouble learning to read. They were just starting to make a breakthrough and yesterday they heard that their school was going to close. Something that has taken months and months to build up—it is not just about teaching people to read; it is a confidence-building process and a trust-building process—has gone. It will take a long time to rebuild that.

I want to conclude by referring to the \$750 payment for transition. You cannot handle a transition just with money. For most people that money is meaningless. I think they would tell you to take your money back. It is not just a matter of giving people money and saying, "Now you can buy a new school uniform, new school books and so on." It is actually about walking through it and listening to people. Have I heard anything about additional counsellors? I am not sure.

Mr Barr: Yes, you have.

DR FOSKEY: I have not heard it but it has happened; good. From what I am hearing, a lot of the parents need counselling as well. Lots of people are going to need to be walked through this process. That must have been the penultimate thing, because the ultimate thing that I will say is that I hope that this government will not sell any schools before the next election, because I think that the people should have a right to vote for a government knowing now what it would actually do about school closures. I think that we need to have the possibility of a decent process. We might still close

some schools, but we might have a process that everybody is involved in and people can own, because it is going to take a long time to repair the damage that has been done by this government.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (4.02): Apparently, the Liberal Party and the Greens believe that this censure motion should be carried. I must say that I do find it remarkable in the context of the grave concern expressed in relation to Dr Foskey's behaviour yesterday and the case which she opposed then in relation to herself and which she now supports in relation to Mr Barr. That does put in stark contrast her particular values in relation to levels of offence. I must say that, having listened to that speech and that particular level of justification, I think we made a wrong decision yesterday in having such a watered down motion in relation to Dr Foskey.

Dr Foskey: It is personal, isn't it? It is so personal.

MR STANHOPE: A censure motion is pretty personal, Dr Foskey. You have just said that you are going to censure Mr Barr. You did not give a single reason, other than that you disagree with him. You just said that you disagree with him. You disagree with him on a policy position. Your justification for agreeing to a censure motion against Mr Barr is that you disagree with his policy. You disagree with his policy on schools and on education: "I disagree with you. Therefore, I am going to formally move to censure you." That is his sin. We know you do not really believe it.

Mr Stefaniak and other members of the Liberal Party have just given their alleged justification, but we know explicitly what the Liberal Party thinks. We know explicitly what the Leader of the Opposition, Mr Stefaniak, thinks, because he told us in 1990. We know what Mr Stefaniak truly believes about this issue, because he told us when he was in government and Mr Humphries was the Minister for Education and Mr Humphries was faced with closing seven schools. Mr Humphries, as Minister for Education, was faced with the decision of his government in 1990 to close seven schools.

What did Mr Stefaniak think of that particular decision as long ago as 1990? Interestingly, we are still debating the closure of some of the same schools. This is what Mr Stefaniak thought of the proposal to close those seven schools in 1990, when it was his government and his colleague as Minister for Education who were faced with the decision. This is what Mr Stefaniak truly believes in relation to school closures. This is Mr Stefaniak verbatim:

I also want to talk about a few points about our school system and about the school closures ... the neighbourhood system has changed a fair bit in recent times—

Mrs Dunne: I take a point of order. This would be the sixth or seventh time that the Chief Minister has read this particular thing to the Assembly. Would that be classified under standing order 62 as tedious repetition?

MR SPEAKER: No, Mrs Dunne.

MR STANHOPE: Your interjections are and your points of order are. In 1990 Mr Stefaniak said:

... the neighbourhood system has changed a fair bit in recent times in that, on the figures we have, it seems that in some cases up to about 30 per cent of enrolments at certain schools are from out of area. That tends to put another slant on the argument often used by the Opposition of the distances that some kids are going to have to travel to go to school.

Our system is very good. Mr Humphries realises that; the government realises that, and Mr Humphries has continually stated that this excellent system will be maintained. I think we have always had a good system here. It might have been better in the past than it is now, because I note that about a third of our kids are in private schools—

33 per cent of our kids were in private schools—

and a lot of those schools have waiting lists. That has been the case for many years, but I do not think that we really have to delve into that part of the debate today.

I am probably the only member of the Assembly who went through the ACT state school system from kindergarten right through to year 12 at Narrabundah High School. I can recall quite clearly in my years in high school that many students were bussed in from Curtin, Lyons, Chifley and Hughes before those schools went up in the Woden valley. It is interesting to note that those same kids that started off in year 7 or 8 at Narrabundah, when Woden Valley High and Deakin High came on stream, remained at Narrabundah and made that quite considerable journey, often in buses, often by riding their pushbikes there. I can also recall walking, as a five-year-old, to kindergarten at Griffith. I can recall many students I went through infants and primary school with walking considerable distances to get to school.

I think it was in those years that we got on to a neighbourhood school system, and in each of the suburbs that blossomed in Canberra—in the expansion in the late 1960s and 1970s—a primary school was provided. But the Federal Labor Government in 1988 realised that that really was something that could not continue. And this government—

that is, the Liberal government of Mr Stefaniak and Mr Humphries—

regrettably—because it would be desirable if we did have the money to do that—realises that that, unfortunately, is a luxury we simply cannot afford.

This is what Mr Stefaniak said of Mr Humphries as he sought to close seven schools in 1990:

I think Mr Humphries should be commended for the very hard, agonising and difficult decisions he has had to take—and, indeed, that this Government has had to take.

No-one likes closing schools. It would be lovely if we could keep that system. We cannot, unfortunately. We are standing on our own two feet now and, unfortunately, just as in the rest of Australia—just as in those Labor states that recognise the same problem—some rationalisation has to take place, and. Mr Humphries is doing all he can to ensure that that is as painless as possible and that the excellence of the education system remains.

That is the speech that Mr Stefaniak gave in exactly this situation when he was in government and when a Liberal minister for education was faced with the issues with which this government and with which Mr Barr are now faced. Which position of Mr Stefaniak and the Liberal Party do you think is the true position, the real position, the position that they actually know is the right position? Which is the position? The Humphries-Stefaniak position or this mock horror and nonsense, this political posturing and stunt making? What is the real Liberal Party position? Is it the position of Mr Humphries and Mr Stefaniak or this nonsense? What is the real Liberal Party position?

What did Mr Humphries think in his postscript to that particular episode in history? What advice did Mr Humphries have for his colleagues today as a minister for education that was in the same position as Mr Barr? The then ACT Minister for Education, Mr Humphries, said, “There are regrets about the decision to close a handful of Canberra school, but the decision was the right one. The proof of the pudding will be in the eating when the new schools are operating next year. I am confident people will see it as a positive development.”

Mr Humphries, in an article in the *Canberra Times* by Karen Hobson in December 1990, “advised future governments to have full and adequate consultation but, having made a decision, they ought to stick to it, and firmly, and not meander”. What did Mr Humphries say in this historic anecdote, an interesting retrospective of the decision and issues then and the decision and issues now? It is quite interesting to read. Members should read it in terms of the lessons and the positions. Mr Humphries said, “Groups like the ACT Council of Parents and Citizens Association set themselves up to reject the findings at the outset, with armour ready to fire the final report down the minute it came down.”

He said that promises to reopen schools were grossly hypocritical, that he remained utterly convinced that the schools needed to close and that 10 per cent of the city’s public schools had been closed in recent years, which was acknowledgment that the system had significant problems with overprovision of student places and still did. Mr Humphries said that the difficulty with the position he arrived at where the schools were not closed was that the problem had simply been put off until another day.

Those were the words, that was the thinking and those were the conclusions of the Liberal Party at the time, of the now leader of the Liberal Party and the then Liberal Minister for Education, as they faced in microcosm a problem which Mr Humphries admits was, at the end of the day, put off until another day for another government. That time has arrived and it has been this government and this day. This government will do what previous governments, including Mr Stefaniak’s, failed to do. It is not just in his heart and it is not what we know or think he thinks. We know what

Mr Stefaniak thinks. We know what Mr Humphries thinks because they said it; it is there in print.

Mr Stefaniak, in relation to the Hackett school closure, was quoted as making some interesting remarks in September 1991 about his policy now of reopening schools. Speaking of the Hackett school, he said, “I really query the benefit not only to the Hackett community but to the kids themselves of a very small junior primary school on this site.” Mr Stefaniak went on to insist that the school not be maintained as a school, but that it be converted into a sports facility on the basis that there was absolutely no benefit in maintaining it as a school, neither for the community nor for the kids themselves, because of the size of the school. That is what Mr Stefaniak really believes, and he knows that this motion is an absolute nonsense because he knows that he does not believe a single word of it. (*Time expired.*)

MR SESELJA (Molonglo) (4.12): Mr Speaker, it is interesting to note what the views of the Labor Party caucus are on this issue.

Mrs Dunne: How many of them voted for it?

MR SESELJA: I believe it was a majority of the Labor caucus—five out of nine—who voted at their Labor Party conference to stop the school closures. I believe, Mr Berry, you were one of them. I believe Mr Gentleman was one of them. I believe Ms MacDonald was one of them. I believe that two of the ministers, Mr Corbell and Ms Gallagher, were two of them. So five of the nine Labor Party caucus were not supporting this decision in their hearts, not supporting this decision in their party and not supporting this decision when they were called upon to vote at the Labor Party conference. But, of course, they lost the courage, once they came into the Assembly, to go through with what they believed, what their factions believed, and so we know there have been significant contradictions on the part of many of our Labor members.

It is interesting that the first paragraph of the motion of censure talks about Mr Barr having “presided over the wholesale breaking of its commitments to the Canberra electorate when it promised no schools would close in the life of this Assembly”.

Mr Gentleman: It does not say “the government”; it says “its”. Who is “its”?

Mr Stanhope: It is a complete nonsense.

MR SESELJA: Okay. Thank you. Mr Gentleman is doing well there. So what it is saying in the—

Mr Stanhope: Whoever wrote it obviously did not go to a government school.

MR SESELJA: Well, thanks for the aspersion on non-government schools there. We know what the Labor Party think of non-government schools. They do not think they should be funded at all. I think that was the vote of many members of this caucus as well.

But we will go into this: “the breaking of its commitments to the Canberra electorate”. Mr Barr took some issue with this when it was raised today by Mr Stefaniak in

question time. He claimed that it had not happened. He claimed that the government did not have such a commitment; that what Mr Stefaniak was saying was false. He referred to an interview that Ms Gallagher gave on 11 August 2004, prior to the election. Indeed, then ACT education minister Katy Gallagher ruled out any immediate school closures but said the future of small schools would have to be discussed. She went on to say:

But at some stage in the future ... the community will have to have a conversation about this ... old schools, new schools and what they want from the future.

So that was the position of the Labor Party on 11 August 2004. On 12 August, the education minister Katy Gallagher was getting a bit worried about the publicity, I think, and about the concerns of many in the community that the Labor Party was preparing to close schools in the next term. An article in the *Canberra Times* states:

A spokesman for Education Minister Katy Gallagher categorically ruled out Labor closing any schools during the next term of government.

“The Government will not be closing schools,” the spokesman said.

This was the day after the interview. So in the interview Ms Gallagher was sort of musing that maybe some time in the future, some time down the track, there would have to be school closures, but the next day she was getting worried about it. The *Canberra Times* went on to state—and this was never corrected; there was never another *Canberra Times* article or a press release to correct it:

With the school-age population in Canberra decreasing in coming decades, closures would need to be looked at, but this would not be during Ms Gallagher’s time in politics.

I must confess that when I was reading through these articles in the past I have not always highlighted this: “this would not be during Ms Gallagher’s time in politics”. Apparently Ms Gallagher was leaving politics before the school closures.

So prior to the election we had the promise that there would be no school closures in the next term of government. That was from the Labor Party. Then we had that it would not happen during Ms Gallagher’s time in politics. Then we were told that, if the government was to close a school, it would only do so with the support of the community. Well, Mr Speaker, I am not sure that some of the communities of schools that are about to be closed—some of the schools in my electorate and the communities around those, like in Rivett and in Weston Creek—are supporting these school closures. So we had this monumental deception of the people of Canberra prior to the last election with these promises: no school closures in the next term, no school closures during Ms Gallagher’s time in politics and, if there were to be school closures, it would only be done with the support of the community.

This, Mr Speaker, is the fundamental, number one and most important reason why this motion of censure should be supported. This minister, even though he did not make the promise back in 2004, was a candidate in that election where he was supporting the Labor Party’s policies, with not a word about 40 school closures. When

he became the minister, he took on the promises, the statements, that his government made, categorically ruling them out in the next term, categorically ruling them out in Ms Gallagher's time in politics, and saying that they would be done only with the support of the community.

This has been a monumental misleading of the people of Canberra. The Labor Party went to the election and promised that there would not be school closures. They promised it, and yet this minister has now presided and will preside over a fundamental breaking of that promise, a fundamental breach of the trust that the people of Canberra placed in this government when they voted for them at the last election. Many of these people whose schools will be closing soon would have voted for this government, and in part they would have voted for them on the basis of their education policy and on the basis of their promise not to close schools.

That promise has been fundamentally breached and it is a monumental breach of trust with the people of Canberra—and this minister has presided over it. It was his predecessor who made the promise but it is he who is now presiding over the breaking of that promise and the breach of faith with the people of Canberra. That is the most important reason, Mr Speaker, why this motion should be supported.

We also have had what has been such a poorly-thought-out process. The idea that Dickson College was ever listed for closure is, quite frankly, laughable. It should never have been anywhere near a list of schools that were possibly going to close.

Dr Foskey: You have got to have an ambit claim.

MR SESELJA: Well, if part of this was an ambit claim Dickson College would be the clearest example of that ambit claim. Mr Speaker, you have attended the rallies at Dickson College; you have seen the levels of support there. We have seen the enrolments at Dickson College. It just should not have entered the mind of a minister that Dickson College should be one of the schools to close. It is wonderful that the government have now come to their senses and said—

Mr Gentleman: It is not going to close.

MR SESELJA: I understand that, Mr Gentleman, but you should listen. I am saying that it should never have been on the list. It simply should never have been anywhere near a list of schools proposed to be closed. The case did not add up. It points to the lack of thought that went into this proposal and the rushed nature of this proposal. Quite simply, this was cobbled together so that the government could close the schools prior to the end of this year. And we know why they wanted to close the schools prior to the end of this year: so that the breach of their election promise, as spelt out by Ms Gallagher's adviser, could be forgotten, could be, hopefully, put as far away from the 2008 election as possible. That is why they cobbled it together. They got the Costello report, which said that they had to make millions of dollars in savings and the way to do that was to close a bunch of schools. That is what happened and why there was no thought to it. That is why we had a new minister, who barely had time to get into the portfolio, announcing the proposed closure of 39 schools.

It has been, quite simply, a very, very poor process. Some of the other members have alluded to the fact that Mr Barr has drawn the short straw on this. Clearly there was a cabinet decision, but it was a rushed cabinet decision; it was not done with proper thought, and it was done in a way that fundamentally breached the trust that the people of the ACT had placed in the Labor Party when they voted for them at the last election. That is why this motion should be supported.

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

That the question be now put.

The Assembly voted—

Ayes 8

Noes 5

| | | | |
|------------|---------------|------------|--------------|
| Mr Barr | Mr Gentleman | Mrs Dunne | Mr Stefaniak |
| Mr Berry | Mr Hargreaves | Mr Pratt | |
| Mr Corbell | Ms Porter | Mr Seselja | |
| Dr Foskey | Mr Stanhope | Mr Smyth | |

Question so resolved in the affirmative.

Question put:

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

The Assembly voted—

Ayes 6

Noes 7

| | | | |
|------------|--------------|--------------|---------------|
| Mrs Dunne | Mr Smyth | Mr Barr | Mr Hargreaves |
| Dr Foskey | Mr Stefaniak | Mr Berry | Ms Porter |
| Mr Pratt | | Mr Corbell | Mr Stanhope |
| Mr Seselja | | Mr Gentleman | |

Question so resolved in the negative.

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

Supplementary answer to question without notice Registrar-General and Office of Fair Trading—relocation

MR CORBELL: Mr Speaker, in question time yesterday Dr Foskey asked me a question regarding the Registrar-General's Office and the Office of Fair Trading shopfront. She asked me what were the arrangements for the previous tenancies and the new tenancies and also asked about the option of using the North Building.

In response I can advise Dr Foskey that the Registrar-General's Office was previously located in Allara House. The office and shopfront had an area of 1,049 square metres at \$315 per square metre per annum plus GST. The basement storage was 100 square

metres at \$120 per metre per annum plus GST. The Office of Fair Trading at 12 Moore Street had a ground floor shopfront of 183 square metres at \$342.80 per square metre per annum plus GST.

The new tenancy arrangements are at 255 Canberra Avenue. The Registrar-General's Office is on the ground floor and includes births, deaths and marriages plus storage of 100 square metres. The total tenancy is 375 square metres at \$160 per square metre per annum plus GST. The Registrar-General's Office and the Office of Fair Trading are on level 1, with 800 square metres, approximately, at 160 square metres per annum plus GST. Both areas will be remeasured on completion of the fit-out. The annual rental savings of relocating to Fyshwick are \$218,000 per annum plus GST. So, as members can see, it provides a significant rental saving.

Dr Foskey also asked about the North Building as an alternative. The proposed vacant space on level 1 of the North Building is only 432 square metres, which is significantly smaller than required and does not have suitable public access as it is within the Canberra Museum and Gallery. I am informed that this space will be used for a tenant more compatible with the gallery and its hours of operation.

Financial Management Act—instrument Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (4.29): For the information of members, I present the following paper:

Financial Management Act 1996, pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the Department of Territory and Municipal Services, including statement of reasons.

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

Leave granted.

MR STANHOPE: As required by the Financial Management Act, I table an instrument issued under section 18A of the act. The direction and a statement of reasons for the above instrument must be tabled in the Assembly within three sitting days after it is given. The instrument provides funding of \$300,000 to the Department of Territory and Municipal Services. The purpose of the funding is to provide financial assistance for the Summernats group for the staging of the 2007 Summernats Festival. I commend the instrument to the Assembly.

Papers

Mr Stanhope presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Chief Minister's Department—Annual Report 2005-06—Corrigendum, dated December 2006.

Long Stay Older Patients' Initiative—Cooperative implementation of Council of Australian Governments' (COAG's) "Helping public patients in hospital waiting for nursing home places" initiative—Memorandum of Understanding between the Commonwealth of Australia and the Australian Capital Territory, dated 11 September 2006 and 12 October 2006.

Mr Corbell presented the following papers:

Victims Services Scheme—Review—Final report of the Reference Group.

Administration of Justice—ACT Criminal Justice—Statistical Profile—September quarter 2006.

Multicultural strategy 2006-2009

Paper and statement by minister

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs): For the information of members, I present the following paper:

ACT Multicultural Strategy 2006-2009, dated December 2006.

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

Leave granted.

MR HARGREAVES: Mr Speaker, it gives me great pleasure to table the ACT multicultural strategy 2006-2009 today. This document is the result of extensive community consultation and it reflects the strong and dynamic partnership that has grown between the community and the ACT government.

Over the past two years as Minister for Multicultural Affairs I, and indeed the government as a whole, have been listening to the concerns and ideas in our community. From the ongoing series of multicultural community forums, in which I have personally interacted with many, many community members, to the successful multicultural ministerial summit in 2005, we have listened intently to what has been said. Not only have we listened; we have actually heard what the community wants and needs and we have taken action.

I am proud to say that the document I present to you all today will provide a path for our multicultural community for the next three years and beyond. This strategy is testimony to the ACT government's commitment and resolve to further maintain harmony and unity in our community.

The ACT multicultural strategy 2006-2009 was developed to cement the ACT government's strong commitment to the continuing development of our community as an inclusive, harmonious and cohesive society. It aims to set out the key principles for a whole-of-government approach to managing cultural diversity in the ACT; to define strategies that will give expression to the principles and themes that underpin the multicultural strategy; to further develop a framework for ACT government agencies

to deliver services that are culturally appropriate for Canberrans from culturally and linguistically diverse backgrounds; and to provide reporting on multicultural affairs that ensures accountability through departmental annual reports and provides mechanisms for direct feedback from community consultation processes.

The principles that underpin the ACT multicultural strategy 2006-2009 ensure that each and every member of our community has the right to maintain, practise and promote their culture and language. The principles also ensure that all individuals have the right to equitable access to government services and programs and the right to participate in and contribute to the social, cultural and economic life of the community. Not only that; the principles inform all individuals that they have a responsibility to respect the culture, language and religion of others and that they must treat everyone in a fair and respectful manner. Also, all individuals living and working in the ACT have a responsibility to recognise and promote the linguistic and cultural assets of our city.

As you can see, the ACT multicultural strategy 2006-2009 is a document that truly encompasses the rights, needs and responsibilities of all members of our community. The document is broken into 10 themes which cover the issues of human rights, access and equity, ageing and aged care, cultural and religious acceptance, language policy, leadership and governance, migration of parents, settlement services for newly-arrived migrants, terrorism and young people.

For instance, under theme 4, cultural and religious acceptance, issues raised by the community include concerns about recent negative portrayal of multiculturalism as a result of current world and local issues. To combat that issue, the ACT government's position is to maintain our recognition of multiculturalism as a positive force and use it in policy formulation to continue to foster, promote and sustain our city's cultural diversity and continue to maintain social cohesion.

Another example can be found under theme 9, terrorism, in which community consultations highlighted concerns about terrorist activities and pointed to the need to understand and address the underlying causes of social discord, such as homelessness, social isolation and unemployment. The ACT government will continue to address the causes of inequity and provide appropriate programs particularly for youth.

However, arising out of the Australian government's anti-terrorism legislation the specific targeting of cultural groups is not appropriate, and through the ACT multicultural strategy 2006-2009 the ACT government will continue to work across the community and closely with all multicultural community groups.

As mentioned before, the ACT multicultural strategy 2006-2009 is the result of extensive community consultation and, importantly, it was also developed in collaboration with ACT government agencies. As Minister for Multicultural Affairs, I am very proud of the achievements that the ACT government, with strong support and feedback from the community, has accomplished, and I assure you that we will continue to achieve through the actions underpinning the strategy.

I expect the community will have regular opportunities to comment on the ACT government's implementation of the strategy. Canberra will be a place where all

people can reach their potential, make a contribution and share the benefits of our multicultural way of life. I commend the ACT multicultural strategy 2006-2009 to the Assembly.

Papers

Mr Barr presented the following papers:

Pursuant to section 127—Non-Government Schools Education Council—Submission for the 2007-08 ACT Budget, dated 30 November 2006.

Pursuant to section 73—Government Schools Education Council—Priority Issues/Directions for the 2007-2008 Budget—Executive Summary, dated 30 November 2006.

HIV/AIDS

Discussion of matter of public importance

MR SPEAKER: I have received letters from Dr Foskey, Mr Gentleman and Ms Porter 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 Ms Porter be submitted to the Assembly, namely:

The importance to the Canberra community of preventing further transmission of HIV/AIDS, and providing care and support for people living with HIV/AIDS.

MS PORTER (Ginninderra) (4.39): Mr Speaker, HIV/AIDS has been around for over 20 years. The number of cases reported in the ACT each year is small but it is still significant in that the disease affects individual lives and contributes to a total which is alarming.

Since testing began in the early 1980s, and until the end of March 2006, 290 people have been diagnosed with HIV in the ACT. Of these, 120 people have been diagnosed with AIDS, and I am advised that there have been about 88 AIDS related deaths in the ACT. This means that there are over 200 people living with HIV in the ACT. It is estimated that, by the end of March, 255,517 people will have acquired HIV, 9,806 been diagnosed with AIDS and 6,611 died as a result of AIDS-related illness Australia wide. These are very sobering figures, I think you would agree, Mr Speaker.

Activities are undertaken at a local and national level to address the issues of HIV and AIDS. Here in the ACT we have a ministerial council on HIV/AIDS, hepatitis C, sexually transmissible infections and related diseases. The council is known as SHAHRD. The ministerial advisory committee on AIDS, sexual health and hepatitis reports to the Australian government Minister for Health and Ageing on HIV/AIDS issues, and the HIV/AIDS and sexually transmittable infections subcommittee reports to that advisory committee.

The newly established blood borne viruses and sexually transmissible infections subcommittee has a more strategic role: considering issues of importance across Australia. This committee reports to the Australian Population Health Development

Principal Committee, which in turn reports to the Australian Health Ministers Advisory Council.

Given increases in HIV diagnoses in Queensland, Victoria and New South Wales over recent years, the new blood borne viruses and sexually transmissible infections subcommittee is looking into what states and territories have been doing in response to these concerning increases. In particular, the subcommittee is interested in what may have contributed to recent success in New South Wales in reversing this trend while HIV notifications continue to increase in Victoria and Queensland. It is thought the situation might be due to a strategy that New South Wales is applying in raising awareness.

A lot of activities are undertaken in the ACT and around the country to raise awareness of HIV/AIDS, to prevent the transmission of HIV, and to provide care and support for people living with HIV/AIDS. Unfortunately, stigma and discrimination are still faced by many people living with HIV/AIDS or at risk of HIV. Obviously, more work needs to be done to minimise such discrimination, especially through awareness raising and retelling the stories of ordinary people who live with HIV and AIDS every day. We can all help to reduce stigma and discrimination by reaching out to the community and raising community awareness of the issues surrounding HIV/AIDS. Of course, part of breaking down the stigma is getting the community involved in working with those who live with HIV/AIDS.

I am sorry that I do not have any more up-to-date figures, but in the 2005-06 period volunteers working for the AIDS Action Council worked a total of 231 hours giving care and support to people living with HIV/AIDS. According to the AIDS Action Council, this includes volunteers engaged in care and support activities across the agency. I will read from information provided to me by the AIDS Action Council:

... there is significant volunteer involvement in other activities including: education, public events, fundraising, policy development, governance and organisational administration and support.

The AIDS Action Council describes some of the care and support services provided by volunteers. It says:

Services provided included home services for people living with HIV/AIDS—lawnmowing, gardening, ironing and food preparation on a routine basis for clients, for seriously ill clients and for clients after discharge from hospital. Other support included assistance at Peer Support Network (PSN) dinners, companionship, furniture removal and transport to medical and other appointments.

It also says that during 2005-06:

the volunteers had the opportunity to volunteer ... in eighteen different types of jobs. This ranged from packing over 10000 safe sex packs, making many hundreds of red ribbons, client support, reception, cooking, World AIDS Day, Fairday, and International AIDS Candlelight Memorial.

The volunteers contributed over 1150 hours during the year. During the last number of years there has been a shift from the intense care and support teams that were needed in the past to more event and fundraising jobs. With the exception of some clients requiring in home care during times of convalescing after medical procedures.

An important part of supporting volunteers is their management and, as part of that, their professional training. The AIDS Action Council requires volunteers to complete core training. The council says:

The course consists of 8 sessions of 3 hours each ... Core Training addresses: General Information on HIV/AIDS (transmission and prevention, disease progression, treatment, treatments overview and psychosocial impact); Diversity Training (injecting drug use and related issues, sexuality and lifestyle, working with diversity) and Working as a Volunteer (attitudes and values, rights and responsibilities, confidentiality, communication skills, preventing burnout and other care and support issues).

The council has previously reported a lack of daytime volunteers, particularly with client-related work. While this remains an issue—as most volunteers work full time—it is pleasing to see that the situation has been alleviated due to improved volunteer management and a high number of trained volunteers. I congratulate the AIDS Action Council for the way they work with their volunteer team and support it, and for the valuable and vital work that they carry out. I take this opportunity to thank the volunteers.

Looking into the future, Mr Speaker, there are new and emerging issues facing people with HIV and the people who work with them. Due to developments in treatment, people with HIV are now living longer; with new infections still occurring, the population of people living with HIV is, unfortunately, increasing. As people living with HIV are now living longer, a number of them are joining the ageing population and will need appropriate support such as aged care. This presents a need for work force development and the education of staff in aged care facilities to help reduce stigma and discrimination and to increase people's awareness of the needs of people living with HIV/AIDS.

As you know, Mr Speaker, each year World AIDS Day is observed on 1 December and is marked by activities throughout the world. ACT Health contributes to national funding to produce awareness raising materials and to facilitate World AIDS Day each year. The AIDS Action Council of the ACT is funded to run the world's AIDS campaign in the ACT each year.

For World AIDS Day and AIDS Awareness Week 2006, the AIDS action council conducted many events, which were well attended. World AIDS Day, on 1 December, commenced with a breakfast at the Kurrajong Hotel at which the Deputy Chief Minister, Ms Katy Gallagher MLA, launched the World AIDS Day events in the ACT. It was pleasing to be able to attend that breakfast and to see such a great turnout, including many of my Assembly colleagues, including Mr Gentleman and Mr Barr. I think you were there too, Mr Smyth, from memory. And I think Mrs Burke and Ms MacDonald were there, from memory.

Mr Barr: And Dr Foskey.

MS PORTER: And Dr Foskey. Thank you, Mr Barr. We could have nearly had the Assembly in that room. But there were certainly a lot of people from many other places. There were representatives from the community sector, naturally; consular and diplomatic representatives; several members of the Australian Federal Police; and other interested people. The breakfast was followed by an awareness raising activity in Garema Place and in Westfield in Woden. World AIDS Day concluded in the ACT with an ecumenical service and a twilight picnic at the national carillon.

I hope everyone got the chance to see all the buildings around Lake Burley Griffin lit up with red during AIDS Awareness Week. That is, I believe, a really significant way to remember all those who are affected by HIV/AIDS in our community and around the world. Each year, more buildings will be added to the list. If you want to be able to wear one of these lovely red arm bands to be able to raise awareness and remind yourself about the significant and concerning issues to do with HIV/AIDS, there are plenty in Ms Gallagher's office. The people there will be able to supply you with one.

I thank all members for their attention. I encourage you all to become more and more aware of these issues, which, sadly, still face us in our community in 2006.

MR SMYTH (Brindabella) (4.50): I thank Ms Porter for raising this issue; it is an important issue. It is something that is not going to go away in the short term and we should not assume either that it has gone away or that we have fixed the problem.

It is interesting to look at the data from the national AIDS registry on cases reported in the ACT for the year ending 31 March 2006. The increase in cases reported in the ACT was 1.1 per cent and the number of deaths reported in the ACT increased by 1.2 per cent. That is in stark contrast to states like New South Wales, where the increase was reported to be 57 per cent; Queensland, where it was 11 per cent; or Victoria, where it was 20 per cent. The only states lower than the ACT are Tasmania, at 0.6 per cent, and the Northern Territory, at 0.5 per cent.

Those figures show that, unless we continue to stress the importance of the prevention of the transmission of HIV/AIDS, we could quite easily see the rate grow unexpectedly and quite devastatingly. Over the years, the ACT has done very well in notifying people of the disease and in combating the disease. The strong response—led particularly by the AIDS Action Council of the ACT over many years—is certainly to be commended. Successive governments—of either political ilk—have done what they can to get the message out.

In terms of where the ACT sits, it is interesting to look at the cumulative statistics. Since the onset of the AIDS epidemic 25 years ago, some 25,000 diagnoses have been made in Australia. If we assume that the ACT has two per cent of the population in Australia, that would mean that in the ACT we should have had something like 500 cases, but actually we have had 285 cases notified in that time. I think the reason that the figure is much lower—almost one per cent of total cases instead of the two per cent that you would normally expect on the basis of population—is the way that all of the community have worked towards this issue in a bipartisan way.

For instance, there have been 9,759 individual AIDS diagnoses over the last 25 years across the country. Again, assuming that the ACT has two per cent of the population, we would expect somewhere around 200 individuals to have been diagnosed; in fact the figure is only 102, so we are running at half what we would expect. Unfortunately, if we look at deaths attributed to AIDS-related illnesses in the last 25 years, we see that 6,594 Australians have succumbed. Again assuming that the ACT has two per cent of the population in Australia, we would expect something like 130 deaths in the ACT, but, fortunately, there have been only 79—a number that is way too high, but much better than 130.

I think that situation has arisen because, as a community, we have had leaders who have been quite willing to get out, talk the talk and get there to make sure that people understand the message that HIV/AIDS is not something that is confined to the gay community—it is not a gay disease—but is something that affects us all. It is only by continuing to talk about it that we can prevent a rise in the infection rates, particularly amongst those in the new generation, who never saw the grim reaper ads and did not see what was happening to the community at the height of the infection rates. Unless we can continue to educate young Canberrans, in particular, about safe sex practices and the dangers of sharing needles, we can expect a rise in the rate of infections in the ACT.

Fortunately, we are not seeing that. Figures for the number of infections for the last year show about seven diagnoses, with two deaths attributed to AIDS-related illness. This shows that, with a strong response from a unified community, we can fight this, and fight it very effectively. The actual number of diagnoses—seven—is slightly up, but there are factors, such as people coming and going and other factors, that impact upon the figure. The experts in the field consider it to be static—certainly not increasing—which is a bonus. I guess the question is how we make the level decrease.

As Ms Porter said, on 1 December we had the Chief Minister's breakfast. Unfortunately the Chief Minister could not make it, but there was a large and quite impressive selection of diplomats from 11 different diplomatic missions. That shows that there is an understanding overseas of the importance of this. From New Guinea through to South Africa, the ambassadors take this very seriously.

Earlier in the year, there was a vigil at the National Museum of Australia, which has graciously hosted the national memorial celebrations each year. Mr Corbell was there that night, I believe. We had the High Commissioner for Uganda give what I consider to be the most powerful speech I have ever heard on this issue. He told the assembled people—and the theatre there at the National Museum was full—how he had just returned from his country and from burying people in his village who had died of AIDS. Diplomats do not often bear the problems that affect their countries, and they do not often do it in such a stark and real way. I honour the High Commissioner for Uganda for what he did, the way he did it and the grace with which he did it. I honour him for the plea that he put for his country—that they need assistance. They look to the western world, and to countries like Australia, to assist them to cope in the way that we have coped.

Right from the start, Australia's response has been very strong. It is to be acknowledged that that has occurred under federal governments of both persuasions and state governments of both persuasions. That is the way it has to be when we have an issue like this. Unless we do this together as a community, we run the risk of seeing infection rates increase—and, of course, from that, seeing deaths increase.

We have an obligation. When we look at some of the statistics around the world, we can see that an estimated 70 per cent of all people living with HIV in Australia in 2005 were treated with anti-retroviral therapy, yet the majority of people in countries like those in Africa have absolutely no access to these drugs. This is why the number of deaths is decreasing, thank God, in Australia, but there is so much more that we need to do overseas, across the world, to make this problem better.

We in the ACT have a unified approach, and it works. In Africa for many years there was absolute denial that the disease even existed, so the approaches to dealing with the issue were spasmodic. It is great that countries like South Africa have now taken a different approach and gone on the front foot, whereas six or seven years ago they were more or less in denial. I think that a large amount of that is due to the hard work of some of their ambassadors, who have come to countries like Australia, taken information home and furthered the debate. Debates like the one we are having today can only reinforce the fact that we have to continually talk about this subject. If we do not talk about it—if we forget it—we run the risk of seeing infection rates go up.

This year I was very lucky to receive from the AIDS Action Council their Communications and Media Award for 2006, in acknowledgment of support of the AIDS Action Council and of HIV/AIDS issues. I received that quite proudly; it hangs on the wall in my office. It is something that says that, no matter where we stand in this room or any room beyond this, we all have a role to play; whatever the small thing that you as an individual can do—whether as an MLA or as a member of a social group such as Rotary, Lions, a church group or a school community—we have to keep this issue on the agenda or run the risk of seeing the rates of infection increase.

The whole purpose of making sure you have a strategy is to actually let people know that you have the strategy, that you enforce the strategy, and that you continually look for ways to ensure not only that the strategy is effective for those who know but also that the reach and the spread of the strategy are increased so that all people know about how to combat AIDS. That means that getting the message out to all sectors of the community—not just the well-educated ones and the ones that can read and write, but the ones from poorer socioeconomic groups, the ones from ethnic groups that perhaps do not discuss this issue as well as some groups do, the communities that actually have taboos where the issue is either not acknowledged or not spoken about. We have greater openness in that regard, so we can get the message out. If, through doing that, we can save one soul, that is a fabulous outcome.

Earlier this year we had the masquerade ball. Mr Barr was there; I was there. It was a great night. There was a lot of work done by a lot of people.

Mr Hargreaves: Mary was there.

Ms Porter: You did not recognise me, did you, behind my mask?

MR SMYTH: Sorry, Ms Porter was at the same table. Correct. There were a lot of people there. There was an auction; there was a lot of money raised to further the aims of the AIDS action councils and to fight the disease. It was done with great cheerfulness and great heart. People are not dismayed; people are not giving up. Some of the stories that you hear around those tables are stories of amazing courage and fortitude. "Are we downhearted? No we are not." "Will we continue to fight? Yes, we will."

I would like to honour those who are actually infected, for whatever reason. I say to them: "Don't give up; live in hope. There are a lot of people working towards long-term cures and ensuring that people do not die of AIDS in the future. Know that around you there is a community that actually does love and care for you, and part of that loving and caring notion of the community is that we discuss it in your Assembly."

It is with great pleasure that I rise today to speak on behalf of the Liberal opposition in supporting this motion.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (5.00): I thank Ms Porter for raising this matter of public importance today and I thank Mr Smyth for his contribution. At the end of what has been a tumultuous year in politics, it is nice to see that we can all come together.

MR DEPUTY SPEAKER: It is a Christmas afternoon, Mr Barr.

MR BARR: Indeed, it is. It is not often that I will say this in this place, but I wholeheartedly endorse everything that Mr Smyth just said.

MR DEPUTY SPEAKER: It is a Christmas afternoon.

MR BARR: It certainly is a Christmas afternoon. Having recently marked World AIDS Day, as Ms Porter and Mr Smyth have noted, the government, and I think all members of the Assembly, acknowledge the impact of HIV and AIDS on our community and on the world. We are encouraged by the activities that are under way to prevent further transmission and to provide care and support for people living with HIV/AIDS. As members have identified, it is all the more important now given the national increases in HIV notifications, particularly in Victoria and Queensland.

Whilst it is pleasing to note that we have not seen similar increases in HIV notifications for men who have sex with men in the ACT, it does not mean that we can afford to be complacent. We must always remain vigilant. Many members have commented that Australia's response to the HIV/AIDS epidemic was led by community organisations from the earliest days. Since that time, governments of all political persuasions have supported a partnership approach with community organisations to tackle this important issue. This partnership is particularly strong in the ACT. I think that we have benefited from the small size of our jurisdiction.

Organisations communicate on issues of concern and collaborate on projects to prevent the transmission of HIV/AIDS. They also work to detect current cases to enable the provision of appropriate precautions, care and support.

As Ms Porter identified, we have a ministerial advisory council. The council has representatives from the sexual health and blood borne virus sectors in the ACT. It provides discussion and advice from community and clinical perspectives on issues relating to HIV and AIDS, hepatitis and sexually transmissible infections. In 2004 the council held a community forum to discuss the national rise in notifications of sexually transmitted infections—in particular chlamydia, gonorrhoea and syphilis—and the rise in HIV diagnoses in some states. The forum was well attended; it included discussion of epidemiology, social research, education and prevention initiatives in the ACT.

The national increase in gonorrhoea and syphilis presents particular concern because it may be an indicator of an increase in unsafe sexual behaviour, which may in turn contribute to an increase in transmission of HIV. The presence of other sexually transmissible infections could also make it easier for HIV to be transmitted. On this basis, the forum discussed ways in which these issues might be addressed in the ACT and how they were being approached in other jurisdictions.

Through the public health outcomes funding agreement between the ACT and the Australian government, we are committed to producing a local strategy for addressing sexual health and blood borne virus issues in the ACT. The ministerial advisory council provided input to the initial drafting of the strategic framework for the ACT in relation to HIV/AIDS, hepatitis C and sexually transmissible infections. And ACT Health, I am advised, is currently finalising the strategic framework to allow for consultation in early 2007.

This framework will set local priorities, whilst giving consideration to the implementation of the national HIV strategy, the national sexually transmittable infections strategy, the national hepatitis C strategy, and the national Aboriginal and Torres Strait Islander sexual health and blood borne virus strategy. The local strategic framework will further build on the HIV/AIDS partnership in the ACT and provide guidance for organisations in setting their work plans over the coming years.

A lot of work has already been done in the ACT in relation to HIV/AIDS. I would like to take this opportunity to acknowledge some of this important work. ACT Health and some community GPs offer diagnosis, testing and treatment. The policy areas within ACT Health work with the community sector and national committees on the local and national approaches to these issues. But the bulk of the work in prevention, education and support happens, as Ms Porter identified, in the community sector. ACT Health provides funding to some key organisations in the response to HIV/AIDS, through service funding agreements and short-term health promotion grants.

In particular, the AIDS Action Council of the ACT and its host of volunteers do a huge amount of work to raise awareness of HIV, prevent transmission, provide care and support for people with HIV/AIDS, and advocate for the needs of people with HIV and AIDS. People Living with HIV/AIDS ACT, a peer support organisation for

people affected, provides valuable support for people living with HIV/AIDS and facilitates peer support activities to enable people to provide support for each other.

Of course, many people living with HIV/AIDS are unable to work and have trouble making ends meet. HIV/AIDS affects not only their health but their whole quality of life. The Trevor Daley Fund seeks charitable donations and provides material assistance to meet the needs of people affected. During the World AIDS Day campaign this year, funding was raised for the Trevor Daley Fund through the sale of red ribbons, lapel pins and wrist bands. I am very pleased to note that the AIDS Action Council reports the highest sales in about three years from the ribbon drive for this year's World AIDS Day.

There are a number of other projects. The Sex Workers Outreach Project aims to prevent the further transmission of HIV; project officers visit brothels and provide information and condoms to sex workers in the ACT. There is provision of services through the ACT Division of General Practice, and counselling services are provided by the Haemophilia Foundation ACT. The Winnunga Nimmityjah Aboriginal Health Service is another local service that provides prevention, diagnosis and treatment services to its clients.

We cannot forget the contributions of the drug and alcohol sector in prevention and education concerning HIV/AIDS and other blood borne diseases. Needle and syringe programs are an important measure to prevent infections, through the provision of sterile injecting equipment, and they act as a point of education and referral. Drug treatment services can also act as a point of education and referral for testing and treatment of HIV/AIDS.

A series of outreach service partnerships are also in operation. The effectiveness of the partnership in the ACT is demonstrated through the PACT program. The "partnership approach to comprehensive testing" targets priority populations through education and testing in outreach settings within the ACT. This program has been operating for several years through a partnership between the AIDS Action Council of the ACT, the ACT Division of General Practice and the Canberra Sexual Health Centre.

It is worth noting that the ACT is an Australian leader in such innovative projects, having often commenced such projects and innovative education campaigns against criticism from other jurisdictions that have advised that they would not be effective. This can-do approach has seen a lot of exciting work undertaken in the ACT. A particularly famous campaign was launched in 2002 by the AIDS Action Council. It was the "Cover Yourself in Canberra" campaign, which showed condoms over Canberra landmarks. Perhaps that was a slightly different twist on Christo. The aim was to promote condom usage amongst a broad audience, including tourists.

At the time, the council was criticised by some who said that the campaign was too broad and that HIV prevention needed a more sophisticated approach. However, since that time, several jurisdictions have focused on simple condom messages, and the cover yourself concept and images have even been adapted for campaigns in Asia. I congratulate the AIDS Action Council of the ACT for their leadership and foresight in this campaign.

But where to from here? There are a few issues to be considered in relation to HIV/AIDS over coming years. One of these is that we have identified the continued increase in diagnoses in Victoria and Queensland. A national committee is considering what actions have been taken in various jurisdictions across Australia, with particular interest in what has worked for New South Wales in stopping the increase occurring there. In this process, there are many things that we can learn from New South Wales to assist the ACT in raising awareness and preventing further transmission.

In the time remaining, I would like to note that in the coming years the AIDS Action Council will need to move from the existing Westlund House site in Acton, due to redevelopment of the ANU-City West precinct. We are very pleased to advise the Assembly that the Chief Minister's Department and ACT Health have been assisting in seeking alternative accommodation that meets the needs of the council and its clients. I understand that a location in Downer is looking very promising. The CMD and ANU will work with the council to draw up plans for a purpose-built facility on the site.

The government remains committed to furthering the response to HIV/AIDS in the ACT. I again thank Ms Porter for raising this very important matter of public importance.

DR FOSKEY (Molonglo) (5.10): It was good to hear that the AIDS Action Council found a home, an issue about which my office and I have been concerned in the redevelopment of west Civic. Today I wish to say only a couple of things because basically it has all been said by Ms Porter and Mr Barr, the experts on government AIDS programs. I have a longstanding interest in and concern about this issue, primarily through my work on women's issues such as reproductive health and reproductive rights. Members might wonder why those issues are relevant. They are relevant because in Africa and in other developing countries women are the main victims of AIDS, and women's empowerment is seen as the main strategy for solving it. I would like to read from something written by Stephen Lewis, the United Nations special envoy for HIV/AIDS in Africa, who put it quite well:

Finally the world seems to understand that—

in Africa—

this is a gender-based pandemic. Unless there is recognition that women are most vulnerable ... and you do something about social and cultural equality for women, you're never going to defeat this pandemic. This is the fundamental centerpiece of the whole blessed crisis! Men haven't changed their behaviour, so women somehow have to be strengthened to be able to ward off the men.

In other words, women have to be empowered to be able to say no to sexual intercourse without feeling that they will lose their marriages, their relationships and their roles in the family which, as we know so often, are the only way they have access to food, housing and economic survival. The decisions that they make should not just be based on their own wellbeing but on the wellbeing of their families. In many parts of the world women look out for the children. The World Bank recognised

long ago that a dollar given to women was more likely to benefit children than a dollar given to men in many countries other than Australia, as they are more likely to spend it on alcohol, gambling or other things.

At the AIDS breakfast the other day I was interested to find out that there is a slight growth in the number of people being diagnosed as HIV positive. For the first time there are the same numbers of women in those statistics as there are men. It is a bit troubling if that is a sign of how women's empowerment and equality in Australia might have stepped back. A lot of the advertisements that have reappeared featuring women, girls and violence are about empowering girls to say no to sex that they do not want and that is not protected.

There has been a bit of a rollback—no pun intended—in the use of condoms in relationships, which often has something to do with the power of women and girls to negotiate the terms of sexual intercourse. We must never go back to the old days. If we run a campaign that states, “Just say no to sex,” we are denying girls, boys and young people access to important information that will benefit them. We might want them to say no to sex but that will not happen.

One of the areas in which HIV/AIDS infection is most likely to occur in the ACT is among people who are incarcerated. Today I had a look at the new prison legislation that was tabled to see whether it contained something we have been on about for a while; that is, a needle and syringe program. I understand all the objections that people might have. They believe this might be similar to the “Just say no to sex” campaign. We do not want people in prison using injectable drugs but the reality is that they do.

When I visited the remand centre a couple of weeks ago I was shown a cabinet that contained a whole array of things that people used to inject themselves with drugs or other substances. The important issue is not so much the things with which they inject themselves but the fact that they use anything. They inject drugs and of necessity they need to share those instruments. While the legislation does not refer specifically to a needle and syringe program, chapter 2, new section 8 (a), entitled “Management of correctional services”, makes reference to ensuring that public safety is the paramount consideration in decision making about the management of detainees. As far as I can see, that means we do not want to create a prison that is an incubator of blood-borne diseases. Chapter 2, new section 9 (a), entitled “Treatment of detainees generally”, makes reference to respecting and protecting a detainee's human rights. New section 52 (1), entitled “Health care”, states:

- (1) The chief executive must ensure that—
 - (a) detainees have a standard of health care equivalent to that available to other people in the ACT ...
- (2) In particular, the chief executive must ensure that detainees have access to—

The list of items then details necessary health care programs, including rehabilitation programs. So I did not find what I was looking for in the legislation. Apparently this issue will be covered in the regulations, which I look forward to seeing. I hope that

the government has the guts to go the extra yard. The people who cry out will be the same people who cried out against a number of other programs that, in the end, are life saving and health giving. In the end that is the bottom line. I think that is what this legislation plans to do.

MR ACTING DEPUTY SPEAKER (Mr Gentleman): The discussion is concluded.

Territory-Owned Corporations Amendment Bill 2006

Debate resumed from 23 November 2006, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.18): Members might be alarmed if they knew how much I know about the Territory-Owned Corporations Amendment Bill, which rightly is the province of Mr Mulcahy. I am speaking on behalf of Mr Mulcahy, who is elsewhere because of family matters. He asked me to commence by thanking the Treasurer and his staff for their cooperation and availability in providing him with a briefing on this bill and for ensuring that his office was familiar with all relevant details.

The Territory-Owned Corporations Amendment Bill was designed for the sole purpose of facilitating the sale of Rhodium Asset Solutions Ltd, which up until now has been among the ACT government's suite of territory-owned corporations. This move is warmly welcomed by the opposition and, in particular, by the shadow Treasurer who, members no doubt will recall, has been an ardent supporter of the sale of this corporation away from the control of the territory government and into more capable and expert private hands. In his inaugural speech Mr Mulcahy said:

In favouring the fostering of an entrepreneurial spirit, I am not one who is at all enthusiastic about governments embarking on the world of commerce. Whilst there are noted examples of where governments have succeeded in the commercial world, the path of government at all levels throughout Australia is littered with examples where noted failure has occurred when government has strayed into commercial endeavour and often failed dismally, leaving great expense to taxpayers or ratepayers respectively. These experiences have afflicted governments of all political persuasions.

That statement was made in December 2004. In December 2006 we seem to have come full circle. The opposition welcomes the government's belated commonsense decision to relinquish its control of Rhodium Asset Solutions Ltd. More specifically, the bill makes two main legislative changes. It removes all references to Rhodium Asset Solutions Ltd from the application of the Territory-Owned Corporations Act 1990 and it removes references to Rhodium Asset Solutions Ltd from sections 3 and 4 of the Taxation (Government Business Enterprises) Regulation 2003.

The bill is the last legislative requirement before Rhodium can be sold. The corporation is scheduled to be put on the market in January 2007 and it is predicted to be sold before 30 June 2007. The ACT Department of Treasury informed the opposition that there is considerable private sector interest in purchasing Rhodium, but no additional information about the level or nature of this interest has been

detailed at this point. I hope for the government's sake that the market's interest in the corporation is healthy, that the sales process occurs on schedule, and that the revenue received from the sale meets expectations.

It is hoped by the government that the 32 employees currently working at Rhodium will be absorbed by the new owner. However, the new owner ultimately will decide whether to keep those employees or make them redundant. Currently, eight staff with Rhodium have a right to return to ACT government positions. The ACT Department of Treasury plans to set up a committee that will look into how Rhodium's current staff will be treated by their new owner once that is announced.

At the end of the day there are no guarantees in place concerning the welfare of 24 staff and contractors currently employed by Rhodium once the new owner is in place. Potentially that could result in a round of redundancies following the sale of the corporation. I implore the Treasurer and this government to do everything in their power to minimise the economic and social dislocation a transition such as that could have on employees of Rhodium and their families.

More generally, it is hoped that the new owner of Rhodium will still use the local area and its services. The corporation currently provides 4,300 vehicles, of which 1,100 are ACT government vehicles. Once sold, however, the primary concern being expressed by treasury is over the selling of current operating leases and the ongoing management of the ACT government vehicle fleet. I welcome more details from the Treasurer with respect to these issues, in particular how the government intends to ensure that these essential operational requirements will be handled with minimal financial and administrative cost.

Obviously, the main financial implication for the government in this piece of legislation will be the receipt of revenue from the sale of Rhodium once a private sector buyer is confirmed. Let us hope that this extra revenue is allocated and spent wisely because, unfortunately, this Labor government has a less than impressive record in wasting receipts from one-off sales of land and other assets, on further bloating the ACT public service and pursuing indulgent capital projects such as the arboretum and statues of former Labor ministers that contribute nothing towards improving essential services in the territory. I needed to get that line in somewhere today, so I thank Mr Mulcahy for giving me the opportunity.

The Territory-Owned Corporations Amendment Bill 2006 enables the sale of a territory entity that has long been considered as outside the sphere of core government business. It is testament to this government's poor economic credentials that such an opportunity to streamline government has been missed for so long. Despite concerns about the future of 32 employees currently working at the corporation the bill is a positive, albeit belated, step towards streamlining the resources and improving the operational focus of the ACT government. As such the opposition supports the bill.

DR FOSKEY (Molonglo) (5.24): It appears as though I will be out of line with everyone else in this place, as I intend to oppose this bill. The Territory-Owned Corporations Amendment Act 2006 sets the scene and clears the decks for the sale of Rhodium Asset Solutions Ltd. The repeal of item 3 of schedule 1 to the Territory-Owned Corporations Act means that the board of Rhodium is no longer

under the obligation imposed by section 16A of that act to inform the Chief Minister and the Deputy Chief Minister, as shareholders of Rhodium, if they, the directors, become aware of any significant events such as new ventures or significant changes to existing activities by Rhodium.

I imagine they must have been kept busy over the past few years performing their statutory duties of informing the Chief Minister and the Deputy Chief Minister. Given that some of the Auditor-General's key findings were that there were deficiencies in financial reporting and a lack of clear strategic direction from shareholders, and given that the Chief Minister is on the record as saying that he did not and never would involve himself in the day-to-day management of Rhodium and that it would be entirely inappropriate for him to do so, perhaps the directors felt they did not really have to bother shareholders with that particular statutory obligation. Unless they complied with that obligation, even more responsibility for allowing Rhodium's management to go off on a frolic of its own lies at the feet of the minister.

This bill represents a robust and responsible response to such managerial incompetence or deliberate malfeasance. Get rid of it, sell it off, call it non-core business and let someone else worry about it while reaping one-off profits. Yet another avenue for privatising profits and socialising costs has been extracted from the public domain. The reason behind the sale is that it is not core business. It is funny how that happens every time a government enterprise goes belly-up. When governance arrangements that are meant to oversight and ensure probity and competence in management fail dismally and a government enterprise becomes an embarrassment, suddenly it is not core business—and this is from a Labor government. What about policing, health care, education, communications and transport? What if there is a stuff-up in their management? Will they be privatised? No, not if there are no profits to be made.

The passage of this bill gives us an opportunity to reflect on how a public enterprise was able to lose money when it had assured demand, guaranteed income and had impeccable political connections at the highest level of government. Its board was happy to let it expand into areas as diverse as rugby league sponsorships, laptops and mining equipment, and its shareholders did not so much as grumble when they did not receive dividends year after year.

How could it lose money? Maybe it lost money through diversifying into areas as diverse as rugby league sponsorships, mining, medical, and linen equipment. Perhaps it lost money because its shareholders did not so much as grumble or ask questions when they did not receive any dividends year after year. Perhaps the directors did not notice the Lexus SC430 in the chief executive officer's car park, the family members that kept multiplying on the staff, or the \$10,000 cash advance to a former CEO. Perhaps they did not see anything wrong with Rhodium spending more than \$232,000 on corporate entertainment during 2005-06 and entering a deal worth \$460,000 to give away cars to football players in return for some signage. I expect that is where the dividends went.

The board met once a month—not annually or quarterly, but monthly. It was not as though they were absentee directors. One might think that the board or individual directors should come in for some criticism from the government, or even lose their

positions for such a performance. One might think that it sets a bad example to other public servants tacitly to condone directors who allow such activities to go on under their noses. One might even suspect that some degree of incompetence could be involved. But after yesterday's performance we can only presume that the Chief Minister does not think so. In his opinion even to suggest such a thing would be an actionable defamation and worthy of the sincerest serious tones and gravest finger-pointing.

Mr Hargreaves: I take a point of order, Mr Acting Deputy Speaker. I ask you to bring the member to order under standing order 62. We heard the Auditor-General's report and this is irrelevant and tedious repetition.

MR ACTING DEPUTY SPEAKER: Order! There is no point of order.

DR FOSKEY: A minister who refuses to accept responsibility for any wrongdoing or who fails to recognise that bureaucratic practices and procedures are demonstrated by events to be deficient is setting up himself or herself for a big fall. It also sets a bad example to the vast majority of public servants who do the right thing, who do not improperly spend public funds, and who do not refuse to accept responsibility for ensuring that potential buyers of public assets all receive the same level of information to enable them to make an accurate assessment of the value of those assets.

This is not rocket science and it is not hard to grasp. It is called good management practice. It might not be such good spin management but it is good governance practice. It is called taking responsibility, and that is what responsible government is about. If no-one is honest or brave enough to take responsibility for failures, someone will have to recognise these shortcomings and take action to ensure that poor practices do not happen again. Governments cannot always introduce bills like this to sell off offending organisations.

But is it really an appropriate response to bureaucratic incompetence or deliberate malfeasance for the minister to throw his arms in the air and say, "It is too hard; sell it off; get it out of my sight"? It might well be, but I do not think it is. The Rhodium board is still in place and, as far as I am aware, no legal action is on foot against any of the management team. Someone should take responsibility for Rhodium management being allowed to take off on a frolic of its own. Similarly, responsibility must be taken for the LDA and ACTPLA giving different information to different bidders.

It should be understood that the buck has to stop somewhere. The Chief Minister should get out a thesaurus while he is at it, as there must be some description for actions undertaken in the performance of a public official's duties that fail to come up to the reasonable standards expected of a person in that position. I reiterate that while I believe selling Rhodium is one solution to the problem of mismanagement—it is one that will bring the government some revenue in the short term—we cannot be sure that the new owners will shop locally or that the cost of cars will remain affordable.

Like government and opposition members, I received representations from the Motor Trades Association urging me to oppose this bill. While I do not think that the full

extent of job losses and the wider adverse consequences for the ACT economy predicted by the association will be realised, I am convinced that this sale will be bad for ACT government finances in the medium to long term, as well as for the ACT economy. That is why I oppose the bill.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (5.33): On behalf of the government I thank opposition members for their support for this bill. I do not thank the Greens for their opposition to the bill, as Dr Foskey's contribution was a complete waste of time.

Dr Foskey: We could have had a robust debate.

MR HARGREAVES: We could have had a robust debate but that does not tend to occur with the Greens. This bill provides for the removal of Rhodium Asset Solutions Ltd from schedule 1 to the Territory-Owned Corporations Act 1990, enabling the government to sell its shares in Rhodium without being subject to the Territory-Owned Corporations Act 1990. The Chief Minister recently announced the government's intention to sell Rhodium following consideration of the results of a scoping study completed by Horwath Pty Ltd.

The main finding of the scoping study was that an outright sale of the company, including the ACT government fleet management contract, would maximise potential sale value while minimising any potential disruption to the business operations. The information we have is that the car industry in the ACT will not be terribly adversely affected by this sale. As indicated in the Chief Minister's presentation speech, the sale is expected to provide an optimum financial return to the community. Subjecting the fleet management contract to a competitive process will also realise savings for the government. I again thank those opposite for their support for the bill and for their encouraging remarks.

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**) agreed to:

That the Assembly do now adjourn.

Valedictory

MR SMYTH (Brindabella) (5.35): Mr Speaker, merry Christmas to you and to all in this place. As this is the last opportunity for speeches this year I have been asked by the Leader of the Opposition, Mr Bill Stefaniak, to send his regards. Unfortunately, he

has been paired with the Chief Minister because of the opening of the Canberra Centre, so I am making this speech on his behalf.

On behalf of the opposition I extend thanks to you, Mr Speaker, to the Clerk, to the serjeant-at-arms and to all the staff in the Clerk's office for your support throughout the year, for the wisdom you dispense and for the little cheat sheets you provide that make the movement of the day so easy. To Max in particular I offer sympathy on St Kilda's efforts this year. To all the attendants who support the Saints I say: there is always next year; we are getting closer, boys; just do not give up hope.

Mr Seselja: One every 40 or so years.

MR SMYTH: I saw the last one and I hope to be alive for the next one. I thank Mr Speaker and the Clerk very much for all that they do. I thank the attendants who work so efficiently and tirelessly to keep us supplied with everything from fresh water to obscure copies of old reports. The job that they do might not be evident to most of us but we cannot do our job without their support. I thank Corporate Services and the education section for the support that we get. We look forward to their support next year.

I say to committee staff in particular that we all understand the sheer volume of work that is done by such a small number of people with such a small resource base. We are appreciative of the way in which they make that job so much easier, particularly in busy times of the year such as estimates reports and annual report hearings. I thank Hansard staff in their little black box for taking down our words and for making legible speeches out of some of the gobbledegook that is spoken in this place. I marvel at how they interpret what we say each day and I thank them for the professional way in which they put it together.

Finally, I thank library staff members who are often forgotten but who are always available to us during our lengthy sittings. Every sitting week I look forward to receiving an email from library staff that states, "We will be open for extended hours to look after your needs"—and look after our needs they do.

No-one would deny that this has been an interesting year. I hope all members and staff in this place enjoy their break and travel safely. I hope Santa gives them whatever they have asked for, as long as they have been good little boys and girls. If not, there is always next year.

I would now like to thank my office staff. I thank Tim and Amy for all the support they have given me; in particular, for the quips and sweet things they find that I can use in the chamber. It is great to be backed up by two professional people. James, Donna, Keith and Alexis worked with me throughout the year but are no longer with me. I thank them all for their support over the years. It was great working with them. I can always look forward to working with them in the future.

I would now like to thank my now slightly larger family. I thank my wife Robyn, a young mother with an eight-month-old baby, for all her support. I am sure Zed would attest to the fact that as MLAs we are always out and about doing a number of things on days when our wives would love to have their husbands at home to take care of the

babies. This is Robyn's first child and we have had a fabulous year. I thank her for baby David. I look forward to his first Christmas as I now get to buy boys' toys. Up until now I have been able to buy only Barbie dolls and dolls houses. I now look forward to buying trains and footballs. I also thank my daughters Amy and Lorena for always supporting me in what I do.

I wish everyone a truly happy and holy Christmas. At Christmas time we are tired and often miss the Christmas message. Christmas comes and goes before we realise it but it is a great time of the year to reconnect with one's self, one's family and one's friends—something that members of parliament often do not get a chance to do. I hope everyone uses the time well and that it is of benefit to them. I hope everyone relaxes and enjoys themselves. I will see everyone next year.

Valedictory

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (5.39): I wish all members of staff and their families a safe and happy festive season. I would also like to say how much I have enjoyed the fruitful relationship between my office and the offices of other members. It is nice to see the way in which government staffers, opposition staffers and crossbench staffers work together professionally. It should be applauded from time to time.

At this time of year it is proper for me to express appreciation to my staff for their service over the past year. In the first half of the year I was well served by Maria Vincent, Ian McNeill and Liz Lopa. Andrew Barr, my then chief of staff, provided a balance in the office and displayed leadership and maturity. His treacherous departure for a higher pay packet and media glory propelled him to greatness but it filled me with a sense of pleasure and pride. I enjoy having him as a ministerial colleague.

In the second half of the year I was joined by a very professional group of people, each of whom has special skills. I sincerely thank Jim Mallett, Caitlin Bessell, Kim Fischer and Stacey Pegg for their support and their sense of humour. We are a well-knit team. That closeness of my team can be put down to my chief of staff, Geoff Gosling, whose guidance, leadership and vast knowledge are at times awesome.

I also acknowledge the DLOs with whom I worked last year. Ashleigh King, Paul Udovisi, Geoff Virtue, Emma Taber, Maria Mangereuca, Matthew Clissold, Cathy Hoekzema, Jancye Winter and Tim Arkely-Smith were very effective in liaising between my department and my office. I have been privileged to serve with some great people in the service of the community, but I need to single out Sandra Lambert and Mike Zissler, who have been supportive and provided leadership in really tough times. The executives who support them are a magnificent bunch of people. I thank Peter Dunn, former commissioner of the ESA, and Chief Police Officer Audrey Fagan for their support when I was their minister.

Finally, I thank Assembly support staff, library staff, the Committee Office, the Secretariat, Ray Blundell and Barry Schilg for their technical support, Hansard staff

and the attendants. At times the guys and Lainie have kept us all sane. I also thank executive support under Laurel Coyles for the assistance we received this year.

At times this year has been difficult for me. There was a time mid-year that I would prefer to have forgotten and I view it with deep regret. I thank my colleagues in this place for their support and understanding and I say to those who did not offer support that they should take a leaf out of the book of their colleagues. I am proud to be a member of the Stanhope government and I thank my Labor colleagues for the privilege of being a part of that team. I wish everyone a safe and happy festive season.

At this time of the year, when we reflect on Christmas things, I cannot let the opportunity go by without thanking Mr Pratt for his contribution to the humour of the chamber. I am reminded of the wording of one of his questions on notice, which is as follows: What is the purpose of the TAMS Christmas craft markets and how often do these markets occur? I will undertake some deep research and reply in good time before next Christmas.

Thanks go to you, Mr Speaker, and to the families of all members. Have a safe and happy season.

Valedictory

DR FOSKEY (Molonglo) (5.43): This is the time when we forget that we were shouting at each other a couple of hours ago and wish each other a merry Christmas. Christmas is especially a time of being with families and people we love and feel comfortable with who allow us to be ourselves. It is a time when we hope to God that next year will be a year when we can be optimistic about our future.

I want to take the opportunity to extend all the usual greetings to everybody in this place, including other members and everybody who makes it work. I want to thank my own staff in particular. Without their support, their skills, their commitment, their humour and friendship I would not be able to function in my job as the sole crossbencher.

I must also thank my daughter—although I have to say she is not the most tolerant person I know; nonetheless, I am thanking her. She does need to be very tolerant when I am out every night. I thought that for Christmas I would open a library in this place.

Mr Hargreaves: We will rent you some space in a school.

DR FOSKEY: For the government members we can have a mobile library which delivers books, but the opposition and I will have a local library because we like local libraries. I thought I would make sure that we have certain books for members. I will go through my list, in no particular order.

I will start with Mr Stanhope, as he is the Chief Minister. The book I would like to get for him is *We Get What We Vote For ... Or Do We?* by Paul E Scheele. Turning to Ms Gallagher, who is not here today, who has to juggle many balls in the air like

many working women, the book I would like for her is *Having it All: Choices for Today's Superwoman* by Paula Nicolson.

For Mr Corbell, the planning minister, who is dedicated to his job and who I believe does a pretty good job as planning minister, the book is *But will we want to live there? planning for people and neighbourhoods in 2020*. I am going to give Mr Hargreaves a book that he knows really well, but one that I think he needs to revisit: the *ACT government guide to community engagement*. I would like him to look at it over the holidays and I will ask questions about it later.

I do not know if I should really give Mr Barr this book because I do not know if I want to give away the secrets. But I am suggesting he reads *Behind the Lines*. That is the fight about the Richmond secondary school that kept itself open for a whole year after Kennett closed it that had to be reopened. I recommend that one to all the parents from schools that have closed.

For Ms Macdonald, *The Promotable Woman: 10 Essential Skills for the New Millennium*. Turning to Ms Porter, who has the usual difficulties of a backbencher, probably—I do not know because I am not a Labor backbencher—her book is *I'm Special, Too*. For Mr Gentleman, who admits to loving his car, how about *Build Your Own Electric Vehicle* for the greenhouse effect? For Mr Stefaniak, *Can Human Rights Survive?*—can they survive Mr Stefaniak?

For Mrs Burke, *How to Win any Argument Without Raising Your Voice*. That is a book she needs at the moment. For Mr Mulcahy, a book called *Small is Beautiful: Economics as if People Matter* by E F Schumacher. For Mr Smyth, *The Resilience Factor: 7 Keys to Finding your Inner Strength and Overcoming Life's Hurdles for Going Up and Down as a Leader*.

For Mr Seselja, a book called *Gender Politics*. We have been going to have that conversation for a long time. For Mr Pratt, of course, *The Ecology of Fire*, along with a kit with a rake, a hoe and a hessian sack. For Mrs Dunne, *Easy Italian Phrases to Teach Your Kids*, because it looks like she might have to teach them Italian now.

For Mr Berry, *Consensus in Curriculum Development*. We are back to the schools debate. We will probably keep returning to that one—and *Let's Agree to Disagree*, in recognition of the fine role he plays as Speaker.

Mr Hargreaves: And your own—Machiavelli.

DR FOSKEY: I am going to finish reading George Monbiot's *Heat*. That is a book I have started that has really alarmed me. It has alerted me to the enormity of the climate change issue and how much it means. That is a book I recommend to all members of this place—all the ministers. If we all read the same book, at least we are all talking from the same page.

On the whole, I wish you all a merry Christmas. I wish everyone here the same.

**Government vehicle fleet
Valedictory**

MR SESELJA (Molonglo) (5.48): If I might, before I get into some Christmas wishes I will briefly finish a speech I was giving last sitting.

Government members interjecting—

MR SESELJA: That was in relation to an issue you have been quoted on recently around this move to four-cylinder vehicles. I had put out the case in respect of crash data and emissions that the four versus six debate was not so clear cut. I would like to conclude on that because I did not get to it; I got cut off. I do not think we should be—I guess we are talking mainly about public servants as well as MLAs—putting young families in the position of choosing between safety and space and those kinds of things. I do not think we should be pushing them into a position where they have inappropriate vehicles for their needs. I think that it is important.

We need to remember that all of these issues around the environment often have a big effect on young families starting out. I think of issues like a lot of the compulsory things in home building that impact most on young families. I think both sides of politics always need to be aware of that in all our policies. I wanted to put on the record my concern about some of those issues.

Turning to some Christmas wishes, I am surprised. I was assured by Mr Gentleman earlier in the year that, as a result of WorkChoices, we would not be celebrating Christmas. I am happy that it is still going ahead, along with the barbecues and many other things.

I would like to take the opportunity, firstly, to wish all members of the community a merry Christmas and a safe holiday season. Unfortunately, we lose many members of our community around the country at this time. Many people die on our roads over Christmas. I would caution everyone to drive extra carefully and take breaks on the long trips.

I want to thank my staff—Bob O’Heir and Steve Doyle in particular. I had Julia Jones earlier on as well, who did a fantastic job. Bob and Steve have done a fantastic job throughout the year. They have supported me in many ways and worked absolutely tirelessly. I could not be happier with the contribution they have made to my office throughout this year. I am thankful to them.

I would like to, once again, in the same way as Brendan did, thank my family. I thank Ros, Michael, Thomas and William for their support and patience during the year. I would also like to thank my Liberal Party colleagues for all of their work during the year and their support. I would like to wish them and their families a merry Christmas.

To all members indeed, I wish you a merry Christmas and a safe and happy break over the December-January period. I would also like to wish all of the Assembly staff—the attendants, the committee staff and all the others who make this place

tick—a merry Christmas. Once again, to all in the community, I wish them a merry Christmas and a safe holiday season.

Valedictory

MR GENTLEMAN (Brindabella) (5.52): I too would like to start by wishing a few people a merry Christmas and all the best for the new year. From my office, Claire Bongiorno, James MacDonald, Mike Smith, Chris Tutty, Rebecca Cody, Annemieke Jongsma and Lauren Hutchins. I also thank Hanna, Grace, Sandra and Robina from the Committee Office; the attendants Reg, Rod, Dennis, Pete, Lainie and Dick; and Tom, Janice, Max, Celeste and Tamara, all from the support office.

I wish to everyone else at the Assembly—Hansard people, library people, Corporate Support and the education office—and to my Brindabella constituents a happy Christmas. To all of those who have to work over Christmas, I hope you have some time set aside to catch up with your family and friends.

As many of you know, I have a keen interest in native vegetation and native bird life, I thought this year I might try to emulate the words of Edward Quinlan by associating the peculiarities of our humble Assembly members—virtually, of course—with the native feathered species.

I will begin with you, Mr Speaker. I liken you to the Australian sea eagle, often seen soaring on lofty heights. You have been known to swoop down on squawking smaller birds with deft accuracy, often inflicting serious injury and sometimes even expulsion from the aviary.

That leads me across to the other side to Bill, the Batemans Bay pelican—a wondrous, huge bird sometimes seen as a little goofy, but he always comes in with a smooth landing. In stark contrast, across the flight path we have Jon the wedge-tailed eagle, a well-known Australian icon seen often ripping the flesh from unsuspecting aviators across the gap. To move on to a softer note, we have Jacqui the crested pigeon, who has little to say these days except “coo, coo”.

Coming back to this side of the loft, we have the Gallagher hawk nesting not too far from the wedge-tailed eagle. I can see her keeping a keen eye on that particular perch. Richard, of course, would be the one-legged swift. He certainly flew in quickly, but the pelican has nobbled him. He must now soar aloft all alone. Back to Simon over here, the pond crane. He stands proudly above the rest with a lofty omnipotence while they bicker and peck below.

I must move now to Deb, the fluffy chuff. As a Green she tries to look after everyone else’s children. In fact, she has been known to pinch a few now and then from other nests. Brendan the red-breasted robin, now standing at the back of the right-wing roost, certainly is not chuffed. Karin is, of course, the southern duck, proudly quacking on at this time of year about Hanukkah.

We now look across to Steve, the cranky seagull, continually squawking for a copper at the bottom of everyone’s cage and working very hard on a bushfire operational plan for the chook pen. Zed, of course, is the superb fairy wren. He is a pretty little bird,

but cannot yet reach the same perch as the pelican. He is not happy at all about the pigeon reaching the second rung on the bird ladder before him.

Mary, of course, is the dusky wood swallow. Similar to the chuff, she wants to look after everyone's children as well. The butcher bird is, of course, Vicky. You have heard the name; just do not get in her way. Back over here we have Johnno the black currawong. Pity help any library user that has not returned their books on time.

I feel looked upon as the superb parrot, often seen preening his feathers after diving into the birdbath, fighting with the currawong to rescue a sparrow with an ACTION buses uniform on. The shiftwork is quite onerous and sometimes weighs the poor sparrows down. You will note that, while many species are associated, I did not once mention a galah.

Valedictory

MRS DUNNE (Ginninderra) (5.56): Christmas is the time for putting our differences aside. I think—Dr Foskey made the point—it shows that what goes on in this place is not personal. It is about the ideas and it is about the cut and thrust of representing the people.

I thank the people of Ginninderra, whom I am proud to serve for yet another year. I want to express my pride in the plucky people of Canberra and the great satisfaction I have in dealing with them on a daily basis. Particularly in the last six months, in difficult times, they have been an inspiration to me.

In this place I would like to thank all the support staff who make this Assembly tick over—the Clerk's office; the Committee Office; the attendants who run at our beck and call and refill the photocopiers and the glasses of water; Hansard; the technical staff; the computing staff; the library; and the education office, which is the window of the territory into this place. My thanks go to them and to all the people in the corporate area who look after us.

We had an experience earlier this year when we all trooped off to Government House and had dinner together, which was a novelty. I think there was a bit of trepidation: would we all behave? Would we put all our political differences aside?

Dr Foskey: Which fork do we use?

MRS DUNNE: Which fork to use et cetera. I thought that, as that venture was so successful, we should have a sort of reconciliatory Christmas dinner for the Assembly members and that everyone should make a contribution. It is a bit of a problem for Ms MacDonald, because she belongs to a group that is not big on Christmas. I thought she could perhaps bring Hogmanay haggis for later on and for Mr Speaker, something cool and aloof—a Berry fool.

Mr Corbell is pretty good at a joke, so we thought he should bring the Christmas crackers. For Mr Stanhope I thought for a while about what I could bring, but when I was talking to someone the other day about the arboretum I asked him what it was for. They said it was for nuts. Perhaps it is nuts for Mr Stanhope. Mr Hargreaves gets to

bring the hard sauce. That is something that cannot go cold, because he will probably be coming in a taxi.

I thought about what Ms Porter could bring. She is very hospitable, so I thought she should supply some of the drinks. My favourite one, of course, on this occasion, especially if we are in another climate, would perhaps be Porter gaff.

Mr Gentleman is a bit of a white bread man. You cannot really have bread at Christmas dinner, so you get to bring the Yorkshire pudding. Mr Stefaniak gets to bring the turkey, stuffed. Mr Smyth gets to bring some cold soup. I think it is always important to have soup. Perhaps something like vichyssoise. What goes in vichyssoise?

Mr Hargreaves: Leeks, mate.

MRS DUNNE: And potatoes. For Mr Pratt, something to reflect the cultural diversity in his family. Perhaps some sort of skewered meat like shish kebab. Dr Foskey should bring green salads but, since no-one is really very interested in greens at this time of year, one will be enough.

Mr Seselja has been very busy this year improving his TV performance and the number of hits he gets on TV. He has been too busy to cook anything, so he gets to bring the ham. Mr Mulcahy gets to bring the drinks. We have to make sure that all the seals are intact so there is no fear of drink spiking beforehand.

Mrs Burke brings throat lozenges to make sure that, when we are doing the Christmas singing, everything is in tune. Ms Gallagher as the health minister gets to bring the antacid. As she knows, the Italo-Australian community have generously offered Mr Barr a porchetta, which translates as roast pig on a spit. All he has to bring is the apple. I think I shall bring the knives.

Valedictory

MS PORTER (Ginninderra) (6.00): Mr Speaker, as many before me have said, this is an opportunity to wish everyone a happy Christmas and all the best for the holiday season and for 2007, and to thank many people, including your good self, all members of this place and all of the staff of this place, in their various and vital roles, for their support. I would particularly like to thank Sandra Lilburn, who is the last of a very, very long line of secretaries to the Standing Committee on Education, Training and Young People. I am very glad to see that we have not frightened her away and so I am looking forward to working with her again in 2007. Of course I would like to thank my staff for the contribution they have made to ensuring the business of this place continues, along with everybody else that does that.

Instead of giving virtual gifts like the Treasurer gave last year to members, I thought I would encourage us all to donate to a charity or a community organisation of our choice, which is becoming quite popular at the moment for people to do as a Christmas gesture. I gave some considerable thought to this, and I thought that Mr Pratt could donate to an overseas aid organisation as I know he has a keen interest in this area. I thought Mr Berry and Mr Seselja could both contribute to the southern

region four-wheel drive club; Ms Gallagher to Doctors Without Borders; Mr Gentleman to Pedal Power, because I know that he has an interest in saving on the greenhouse gases; Mr Stefaniak to his favourite footy club; Dr Foskey to the save the whale campaign—and the list would go on and on.

But as I was compiling this list I realised that I am the holder of the virtual volunteer doll as given to me last Christmas by the then Treasurer and that I should spend a few moments recognising the huge contribution of the volunteers who work to assist many of these groups that I have been talking about. Firstly, I would like to thank the emergency services fire brigade volunteers and CFU units as they work to prepare for any possible threat to the ACT; I believe some are already in the field in Tumut. I would also like to thank the many volunteers working in the Red Cross, the St Vincent de Paul Society, the Smith Family, the Salvation Army and like organisations and those in health-related organisations like the cancer council, the blind society, the MS Society and the myriad volunteers working in self-help groups. VOCAL is a good example of such an organisation.

There are many volunteers working in groups which endeavour to sustain and protect our environment, such as Conservation ACT and Greening Australia. Some volunteers work to promote and protect our heritage, such as volunteers at the Australian War Memorial, Lanyon Homestead and Calthorpe's House. Sporting clubs in our suburbs would not survive without the great support they receive from the community, parents and others who offer their services to coach, sit on club boards and get involved in a host of other activities.

Little is known about those volunteers in the area of science and technology, like the PC users group and those in the CSIRO. Let us not forget those in amateur theatre and those that bring us the experience of the arts. Without all these volunteers, our life would be much the poorer today.

We all know that over 40 per cent of our population work as volunteers in our community, and obviously I have only touched on a small percentage of those people in that very brief list. Many of these volunteers will continue to work over the Christmas break, putting on Christmas parties and meals and delivering food and gift hampers to those who, without the help of others, would not have any kind of Christmas. Thanks to all those volunteers and may they all have a very happy and safe Christmas and holiday season, and of course thanks to all the community that contribute in whatever way they do to make Canberra the place it is—such a wonderful place to live.

Valedictory

MR PRATT (Brindabella) (6.04): Mr Speaker, I, too, rise to give thanks to the important people around me in this particular job that I do as an MLA. Of course, I start with my constituents and my community. I wish them a safe Christmas. I hope the ACT community will find itself having a safe summer. We know that the drought index and the fire risk are particularly high this year, so fingers crossed. While I am talking about that, of course my best wishes go to the emergency services, the RFS and SES and all of our emergency personnel and volunteers in whom we put our trust; Godspeed through this season safely.

I give thanks to my staff, Kate and Sarah, who are both fairly new in their current jobs and who have grown beautifully into those jobs. They give me fantastic support and they give good support to the parliamentary party in a general sense. I would be lost without them, as I think most of us would be without our staff.

To my colleagues, Bill, Jacqui, Brendan, Vicki, Zed and Richard: I wish you all a merry and safe Christmas. To Bill's staff, of course, who provide support to all of our offices, I commend them and I wish David, who is about to depart, a safe career move. Joanna Woodbury recently departed from my office and I single her out, too, as somebody who gave tremendous support through this entire calendar year. As we reflect on those who have been close to us through this year, I thank Allan Eggins and my southern branch, the branch to which I belong, from whom I get a hell of a lot of support. They are a strong power base, if you like, for me and I hope I am as loyal to them as they are to me.

I thank the police, whom I did not mention earlier when thanking and giving best wishes to the emergency services staff. We put so much trust in and reliance on our police and I hope they have a safe and a merry Christmas. To all members of the Assembly, all my MLA colleagues: it has been tremendous jousting with you all and I wish you all a wonderful and safe festival season. To our support staff in this place—Tom, Max, Janice, all of our support staff downstairs, up in the committee rooms and the libraries—thank you so much for all of your assistance, all of your support and all of your warm and professional advice.

I leave until last the most special thanks to my wife, Samira, my daughter, Yasmina, and my son, Hayden, who do not see me particularly often. I thank them so much.

Valedictory

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (6.08): Mr Speaker, I will begin by wishing you, all members of the Assembly and everyone who works in the building a safe and happy Christmas break. It has been a big year for me, and I would like to thank Mr Hargreaves, in particular, for his very strong support in the transition, which was so very difficult, obviously, from his employ as chief of staff. But when an opportunity presented itself to run for a casual vacancy in this place it was indeed too good an opportunity to turn down.

I would like to also thank everyone who has worked with me in my office this year, particularly John Hannoush, who came in to pinch-hit for the first few months as chief of staff to steady this young and new minister into that role. Also I would like to thank Liz Lopa, whom I was very fortunate to be able to convince to come with me from Minister Hargreaves's office to be my media adviser. Probably not a day goes by when Liz and I are not on the phone, and there have been certainly a couple of weekends when the mobile has started flashing with Liz's number and I have known with dread what to expect in terms of having to deal with the media at an ungodly hour. But Liz has always provided me with a fantastic level of support in what has, obviously, been a very difficult initial period as a minister.

I particularly thank Dave Peebles, who stepped in as my new chief of staff. Dave has been a tower of strength throughout this year and he has made such a significant contribution to my office and to this building. Matthew Lawrence and Ryan Hamilton have also both worked so hard, particularly in getting me to a point where I could be elected on a count back way back in 2004 and also through this period. I thank them very much.

I thank Catherine Cooney, my office manager, who has been such a tower of support for me, and Tracey Puli, who has stepped in to take over from Aleera Wren at the front of house in our office and does such a terrific job. I would also like to thank all of the DLOs in my office, particularly Marianne McCormack and Chris O'Rourke, who have been with me all the way through, and also Jenni Campbell, who has stepped in on a number of occasions to assist.

To all of the staff of my departments—Michelle Bruniges and the team at the Department of Education and Training; Mike Zissler and the team at the Department of Territory and Municipal Services; Cathy Hudson; and Liesl Centenara and the team at the Office of Industrial Relations—thank you very much. To my partner Anthony, who has experienced exactly how much life can change in the last six months, I thank him, and also my parents and my brother, Ian, for their very strong support.

I did not have much time to prepare a wonderful list of odes to fellow Assembly members, so I have only focused on my colleagues opposite. I think the biggest Christmas gift this year is going to be iPods again. So for those who are into the 21st century in terms of music I have put together an iMix. Those who are a bit older would know it as a compilation tape of music that I think those opposite should consider over the summer. I think perhaps the words of that great eighties band, Frankie Goes to Hollywood, who sang about *Two Tribes* seem to typify those opposite, although perhaps the words of Cliff Richard in *We Don't Talk Anymore* or maybe even Split Enz's *Six Months in a Leaky Boat* might well describe those opposite.

Mr Stefaniak, I take it that you will use the words of Gloria Gaynor's *I Will Survive* and perhaps take some heed from Chris Rea's *Fool (If You Think It's Over)*. For Mrs Burke ABBA's song *Take A Chance On Me* seems to be appropriate. For Mr Mulcahy it is Eric Carmen's *All By Myself* or perhaps Thelma Houston's *Don't Leave Me This Way*. For Mrs Dunne I think the Spin Doctors hit from the nineties *Little Miss Can't Be Wrong* seems to come to the fore, or perhaps Joni Mitchell's *Big Yellow Taxi*, given her interest in transport matters.

I think Mr Smyth is hoping to take some heed from Maxine Nightingale's hit *Right Back Where We Started From*. For Mr Pratt, I think Elvis Costello's *Watching The Detectives* might suit, or maybe Cheap Trick's *Dream Police*. And my big tip for 2007 is that Mr Seselja will be singing from that great Bros hit *When Will I Be Famous?*

Valedictory

MR STEFANIAK (Ginninderra—Leader of the Opposition) (6.13): What is an iPod, Andrew? I am certainly not in the 21st century when it comes to technology.

I firstly thank all my Liberal colleagues. It has been a difficult year and I will be delighted if I stand here in 2007 and say it has been a much less difficult year—and I will not get political and say a much more difficult year for you guys. You have had a difficult year, too, on the other side. Politics is never easy. Despite all the trials and tribulations that we have, I do not think there is a person here who did not go into politics with a view of serving the community. We serve it in various ways, from government and from opposition. It is never easy. It is a great strain on members and on long-suffering staff.

I commend and thank all the staff, the opposition staff especially but also the staff of other members in the Assembly, for the job they do on our behalf; it is quite thankless. I thank the Assembly staff, too, who are absolute professionals and always have been. Like you, Mr Speaker, I was here on day one. Like you, I had a little bit of time out but I have seen virtually all of the staff from day one. All are thorough professionals and all do a wonderful job in supporting us in a thoroughly professional, competent, timely and efficient way. To all of you, may you have a very merry, safe Christmas and come back refreshed; I certainly intend to.

To all of our families especially, my best wishes go to them. I thank my personal staff very much. It is particularly sad to be losing the services of my Chief of Staff, David Hickman, who is going back to the public service. I thank him for his time here and wish him well.

I also pay particular thanks to my family for putting up with me. It is certainly not easy on families and my family have had to put up with it longer than most. So I give thanks to my wife Shirley and to my children.

To all of you, have a merry Christmas, a safe Christmas—and I will see you all back here in February.

Valedictory

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (6.15): Mr Speaker, I have been asked by the Chief Minister and Deputy Chief Minister, who are unable to be here today—and I do this on my own behalf too—to express thanks and best wishes for the holiday season. Can I start with you, Mr Speaker? My best wishes to you for a safe and peaceful holiday season. Your ongoing stewardship of the very important role you play in this place I think is appreciated by all members and we would like to wish you a safe and peaceful season.

I also express my thanks and those of the Chief Minister and Deputy Chief Minister to all the staff of the Assembly: the Clerk, Deputy Clerk, all the staff in the secretariat, including our attendants, the library staff and Hansard staff. They all perform a very

important role. We would like to thank them for their help over the year and their professionalism and wish them also a safe and peaceful season.

From a government perspective, there are some other people that need to be thanked; in particular, first and foremost, the staff of all of the Labor offices. They are a very diverse but committed bunch of people and I know that the Chief Minister, Deputy Chief Minister and, indeed, all my colleagues will express our thanks to them for their commitment and hard work during the year. Equally, I know all my ministerial colleagues will agree with me that the work of our DLOs is absolutely essential. They perform very professionally right across the ministerial team and they are particularly to be thanked, along with the staff from the ministerial support unit. I particularly express my thanks to Kas Paul and Janice Rafferty, who have worked closely with me since I have been in this role as manager of government business. They are always professional and thoughtful, anticipating the things I would never think of, and I am grateful for their help and assistance.

I also express thanks to the executives and all the staff of the ACT public service. The Chief Minister in particular would like to express his thanks to them; their commitment and their professionalism over what has been an extremely busy and at times demanding and trying year is very much appreciated, I know, by all members of the executive and the government as a whole. We should be thankful that we have a very competent and effective public service, one that is committed to this city and to achieving the best possible outcomes for this city and to serving the government of the day, whoever that is, professionally and competently.

I also express my best wishes and hopes for a safe and a peaceful season to all other members. It is an important time for us to spend with family and friends. I trust that you will have a safe and peaceful holiday season and that you are able to celebrate it in the way that best suits you.

I finally express some particular thanks and best wishes on a personal note to all of the members of the Rural Fire Service, the ACT SES and the ACT Fire Brigade. They, in particular, will be facing potentially a very busy time over the next couple of months and they will be standing up on some fairly hot and windy days when the rest of us are trying to find somewhere airconditioned. I trust that they do not have too busy a season, but I know our thoughts are with them as they make the commitment they do every year while we all enjoy a well-earned break. A peaceful and happy holiday season to you all.

Question resolved in the affirmative.

The Assembly adjourned at 6.19 pm until Tuesday, 20 February 2007, at 10.30 am.

Answers to questions

Economy—industry clusters (Question No 1250)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 20 September 2006:

- (1) In relation to Action 2 in the *Economic White Paper*, what industry clusters have been identified;
- (2) What action has been taken to facilitate the development of those industry clusters that have been identified so far;
- (3) What results have been achieved to date in the development of competitive industry clusters.

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

- (1) The industry clusters that have been identified became the priority industry sectors outlined in the *Economic White Paper* (refer Chapter 5).
- (2) Development of these clusters has been facilitated by identifying areas of competitive advantage within the sectors, to profile and promote these advantages and to bring stakeholders together within the sectors to work together to maximise opportunities for industry investment and growth.
- (3) Significant gains have been achieved across priority industry sectors in creating linkages within the sectors and connecting people, institutions and businesses into the ACT's innovation system to promote investment and growth.

Canberra region economic area (Question No 1251)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 20 September 2006:

- (1) In relation to Action 3 in the *Economic White Paper*, what action has been taken to develop the concept of a Canberra Region Economic Area;
- (2) What achievements have been made to date in the development of the Canberra Region Economic Area.

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

- (1) The Canberra Region Economic Area concept, as described in the *Economic White Paper*, has not been progressed.
- (2) The Government has a strong regional engagement program that is facilitated through various fora.

These include:

- A Regional Management Framework, established earlier this year between myself and the Premier of NSW to assist the facilitation of issues with cross-border implications.
- The Regional Leaders Forum, a regular meeting co-chaired by myself and the NSW Minister for Lands and Rural Affairs, and attended by the Mayors and General Managers of the Local Councils in the Capital Region.
- The Capital Regional Development Board, which focuses on regional economic, infrastructure and social development and continues to be supported by both the ACT and NSW Governments.

Trade—export growth (Question No 1255)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 20 September 2006:

- (1) In relation to Action 6 in the *Economic White Paper*, what action has the ACT Government taken to introduce an Export Growth Program;
- (2) What new city-to-city relationships have been investigated or developed in the context of the ACT Government's export strategy;
- (3) What action is being taken to (a) build on the ACT's strength in education exports and (b) facilitate better access by ACT businesses to Commonwealth Government export programs.

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

- (1) The ACT Export Growth Program was introduced in May 2004.
- (2) No new city-to-city relationships have been investigated or developed. However the Government is supporting three overseas trade offices in Shanghai, Shenzhen and Washington DC.

The Government also has cooperative partnerships with the London Development Authority (LDA), the Greater Washington Initiative (GWI), the Ottawa Centre for Research & Innovation (Ottawa, Canada), and an MOU with the Manchester City Council.

- (3) (a) Recent actions taken to build on the ACT's strength in education exports include:
 - (i) initiating a project, in conjunction with Austrade, in which five leading education journalists from target countries or regions (China, India, Indonesia, Vietnam and the Middle East) visited Canberra's education institutions and attend aspects of Focus on Business in September 2006;
 - (ii) the endorsement of the Education Export Strategy;

- (iii) delivery of Welcome Receptions for international students new to Canberra.

Relationships have also been maintained with ACT education institutions through avenues such as The Council of Education Export and Team Canberra (Team Canberra is an organisation responsible for promoting Canberra as a quality destination for international students including ANU, UC, CIT, ADFA, Catholic University and ACT Department of Education and Training).

- (b) Actions taken to facilitate better access by ACT businesses to Commonwealth Government export programs include:
 - (i) locating the ACT Austrade Commissioner within Chief Minister's Department to improve access to ACT businesses;
 - (ii) ACT Government staff working closely with staff from AusIndustry to ensure that clients are assisted to access appropriate Commonwealth Government programs.
 - (iii) Funding the ACT Exporter's Network, which is managed by the Canberra Business Council. Services include the provision of the Commonwealth's Tradestart services to ACT companies.
 - (iv) Commonwealth part-funding and support of two new Tradestart positions in BusinessACT.
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Trade Practices Act (Question No 1263)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 20 September 2006:

- (1) In relation to Action 14 in the *Economic White Paper*, what action has been taken by the ACT Government, in collaboration with the Commonwealth and State Governments, to strengthen the Trade Practices Act to provide greater certainty and protection for small businesses;
- (2) If action has been completed, what has been the outcome;
- (3) If action has not been completed, (a) what is the reason for the delay and (b) when is it anticipated that this action will be completed.

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

- (1) In addition to providing a submission to the 2003 Senate Economics Committee Inquiry into the effectiveness of the *Trade Practices Act 1974* in protecting small business, the ACT Government, along with the State and Northern Territory governments, continues to work with the Australian Government through the Small Business Ministerial Council (SBMC) to improve the *Trade Practices Act 1974* to provide greater protection to small business.
- (2) As a result, the Australian Government is proposing to amend the *Trade Practices Act 1974*; the *Trades Practices Legislation Amendments Bill (No.1) 2005* and the *Trade*

Practices Legislation Amendment (Small Business Protection) Bill 2005. These Bills are yet to be passed by parliament.

It should be noted, the Australian Government has not accepted all 17 recommendations of the Senate inquiry and its legislative amendments reflect that position.

As the Australian Government has jurisdiction over trade practices legislation, an 'end date' for 'completion' of the action is not relevant. However the ACT Government will continue to work with the Australian Government, states and Northern Territory to bring about positive outcomes for small business.

(3) (a) & (b) See above.

Business—online advisory service (Question No 1264)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 20 September 2006:

- (1) In relation to Action 15 in the *Economic White Paper*, what progress has been made in developing an interactive online business advisory service for smaller businesses;
- (2) How have businesses reacted to this enhanced online service;
- (3) If the development of the online service has not occurred, why not.

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

- (1) An interactive online business advisory service for smaller businesses was developed and launched in September 2004 (Canberra Business Advisory Service).
- (2) Business has reacted well to the enhanced online service with a steady increase in visitors to the website each month - now over 8,000 per month.
- (3) Not applicable.

Business—e-commerce model (Question No 1265)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 20 September 2006:

- (1) In relation to Action 16 in the *Economic White Paper*, what progress has been made in adapting the e-commerce model, which has been developed in Western Australia, to suit the requirements of smaller businesses operating in the ACT;
- (2) If this project has not made any progress, why not;
- (3) What progress has been made to conduct, in collaboration with the Commonwealth Government, a campaign to increase the uptake of e-commerce processes;

- (4) If no progress has been achieved with this campaign, why not.

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

- (1) This Action has not been progressed to date.
 - (2) This action has not been funded.
 - (3) See above.
 - (4) See above.
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**Information technology—centre of excellence
(Question No 1274)**

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 21 September 2006:

- (1) In relation to Action 22 in the *Economic White Paper*, what action has been taken to establish, as an integrated project with the National Information and Communication Technology Australia Centre of Excellence, an information and communications technologies precinct in City West;
- (2) Has this project been completed; if so, what have been the benefits; if not, why not.

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

- (1) NICTA continues to be central to the development of a smart zone in Civic West. In December 2005 Leighton Properties signed a Deed of Development for the development of NICTA's landmark building in City West. Construction of the new building that will accommodate NICTA at 7 London Circuit commenced in January 2006. Works are progressing on schedule with completion expected in September/October 2007. NICTA expect to relocate to the new building in October/November 2007.

In addition, the aim is to connect the potential of Canberra's research and development capability resident within the ANU, CSIRO, University of Canberra and NICTA to the commercialisation infrastructure of industry.

- (2) The project is ongoing.
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**Employment—training pathway guarantee
(Question No 1285)**

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 21 September 2006:

- (1) In relation to Action 33 in the *Economic White Paper*, has the Training Pathway Guarantee been introduced; if so, what benefits have been achieved from this Guarantee; if not, why not.

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

- (1) The ACT Government initiated the Training Pathway Guarantee as a budget initiative in mid 2004. The program was evaluated in February 2005 and a revised implementation, including additional career counselling, was undertaken in 2005-06.

In June 2005, I approved the allocation of \$49,450 from the Training Pathway Guarantee funds to the Indigenous Traineeship Support Program run by the Recreation Industry Training Council.

The Training Pathway Guarantee program has funded a total of 77 students to undertake vocational training. It has made a real difference to the individuals who have accessed training and to others who have evaluated their options after career advice.

The Indigenous Traineeship Support Program has supported 23 Indigenous trainees. Seven have completed their traineeship, 12 are still in their traineeship and four have withdrawn from the program.

Planning—dwelling and work locations (Question No 1294)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 21 September 2006:

- (1) In relation to Action 42 in the Economic White Paper, what action has been taken by the ACT Government to create a planning environment that enables people to live closer to their work locations;
- (2) If action has been taken, what has been the response to this action;
- (3) If no action has been taken, why not.

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

- (1) The Canberra Spatial Plan (March 2004) provides a planning framework for the development of Canberra over the next 30 years and identifies a more compact city as a key strategic direction, reinforced with the specific objective of minimising travel time and journey distance between urban residential areas and the main centres of employment and services for the ACT and surrounding NSW.

A compact city is being achieved through two broad initiatives of this Government: higher density housing within the city centre, in town and group centres, and along major transport routes; and secondly, through the release of greenfield urban land close to established and growing employment centres.

Key policy initiatives include:

- planning for the Molonglo Valley whose centre is approximately 7.5km from Civic, Belconnen and Woden. Molonglo will have excellent road and public transport links, and will provide opportunity for local employment in a number of centres;

- planning for housing at East Lake with the goal of increasing the amount of medium to high density housing between the Kingston Foreshore and the Monaro Highway, and therefore close to much of the Territory's central employment base;
- land releases in City and the town centres for both employment and residential over the preceding two years that are enabling a closer connection between jobs and homes; and
- the Canberra Central Program, which in conjunction with the Griffin Legacy, promotes inner-city residential living and the consolidation of Civic as the CBD of Canberra.

(2) It is too early to report on the response to these actions.

(3) Not applicable – see response to parts (1) and (2) above.

Business—retail moratorium (Question No 1298)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 21 September 2006:

- (1) In relation to Action 46 in the Economic White Paper, when was the Retail Moratorium lifted in the ACT;
- (2) What has been the response of industry to the lifting of this Moratorium.

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

- (1) The Moratorium was formally revoked on 5 March 2004 with the release of The Canberra Spatial Plan (Action 46 of the Economic White Paper).
- (2) The Government is not aware of any negative response from industry.

Hospitals—pay parking (Question No 1315)

Dr Foskey asked the Minister for Health, upon notice, on 17 October 2006:

- (1) What was the full cost of installation of the pay parking arrangements including the end-to-end cost counting equipment purchase and installation, all signage, line marking, kerbing changes, new and changed signage in surrounding suburbs, project management and consultation costs, for (a) The Canberra Hospital and (b) Calvary Hospital;
- (2) What was the end-to-end budgeted cost for installation of pay parking arrangements for (a) The Canberra Hospital and (b) Calvary Hospital;
- (3) What is the budgeted operational cost, including maintenance and any proposed changes to car park configuration for (a) The Canberra Hospital and (b) Calvary Hospital for (i) 2006-07 and (ii) outyears;

- (4) What is the budgeted gross income, and net (after all costs) income, from the hospital pay parking arrangements for (a) The Canberra Hospital and (b) Calvary Hospital for (i) 2006-07 and (ii) outyears.

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

- (1) The full cost of implementing pay parking arrangements at the Canberra Hospital and Calvary Hospital was \$1.078m and \$0.411m respectively.

In addition, \$0.380m was spent on the feasibility study for the introduction of pay parking and further car parking planning for the Canberra Hospital.

- (2) The final budget for installation was determined during the planning phase and the costs referred to in (1) reflect decisions taken during the planning stage and included consideration of the method of collecting payment, the number of machines and the specific location of the car parks chosen for pay parking at the two sites.

- (3) The budgeted operating and maintenance costs for the Canberra Hospital in 2006-07 and the outyears is \$0.320m and \$0.350m respectively.

The budgeted operating and maintenance costs for Calvary Hospital in 2006-07 and the outyears is \$0.190m and \$0.240m respectively.

In 2006/07 \$1,950,000 has been allocated to provide additional parking adjacent to the Canberra Hospital site.

- (4) The estimated revenue for the Canberra Hospital in 2006-07 is \$0.990m with operating and maintenance costs of \$0.320m. In 2007-08 and the outyears revenue is estimated at \$1.125m with operating and maintenance costs of approximately \$0.350m.

The estimated revenue for Calvary hospital in 2006-07 is \$0.440m with operating and maintenance costs of \$0.190m. In 2007-08 and the outyears revenue is estimated at \$0.530m with operating and maintenance costs of approximately \$0.240m.

Children—foster carers (Question No 1323)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

- (1) When were the “charter of rights” and “code of practice for foster carers” developed and have they now been fully implemented; if they have not been fully implemented why not;
- (2) What consultations took place to establish the charter and the code;
- (3) What additional support has been provided to all carers and staff to improve the quality of care for children and young people in the ACT since the Vardon Report 2004.

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

- (1) This question refers to recommendation 8.12 of *The Territory as Parent* report. Government agreed in principle to implement this recommendation following

consultation with stakeholders. I am advised that the Office for Children, Youth and Family Support (OCYFS) is working with the ACT Foster Carers Association and Out of Home Care (OOHC) sector to develop draft guidelines for a “code of practice for foster carers”. A large amount of work is detailed below in response to question 3.

The Vardon Report recommended the development of a charter of rights within the *Children and Young People Act 1999* (Recommendation 3.7). Government agreed in-principle to this recommendation. My department is working with the Office of the Public Advocate, the Human Rights Office and CREATE Foundation on the draft charter.

- (2) The work on the code was a joint project of OCYFS, the ACT Foster Carers Association and the non-government OOHC sector.

The consultation process for the draft charter of rights is the final stages. The process has included sessions with children and young people in care.

- (3) The Government has made significant resources available to carers and staff to improve the quality of care for children and young people in the ACT since 2004. This includes:
- the development of a three day uniform training program for foster carers;
 - a review of contingency payments to carers;
 - increased funding for the ACT Foster Care Association (\$80,000) to expand the support provided to kinship carers and Aboriginal and Torres Strait Islander carers (\$16,000 in 2004);
 - appointment of the Placement Manager within OCYFS to authorise carers and assist in the coordination of carers and placements for children and young people;
 - the recruitment of 42 staff for Care and Protection Services;
 - a range of vocational training programs for staff, including staff of the Aboriginal and Torres Strait Islander Service, to increase their skills and expertise;
 - the allocation of all children and young people in care with a caseworker;
 - establishment of the Aboriginal and Torres Strait Islander Kinship and Foster Care Services to improve service delivery to Aboriginal and Torres Strait islander children and young people, and
 - an increase in the number of children and young people placed in foster care through the funding of an additional 21 specialist foster care places, at a cost of \$1.28m.

Children—child protection workers (Question No 1324)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

- (1) What is the current work load management tool being used by the Department to determine case loads for child protection workers;
- (2) Is the work load management tool proving to be effective; if not, why not.

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

- (1) The current process of allocating cases within Care and Protection Services is as follows:

A Team Leader allocates a case to a named worker. The Team Leader takes into consideration when allocating a case the level, skill, knowledge and experience of the case worker, the case workers current case load, the complexity of the case requiring allocation and the complexity of cases already managed by the case worker.

- (2) The work of child protection workers includes the risk assessment of concerns and the allocation of appropriate resources and priority to the individual needs of the child or young person.

**Public service—data management systems
(Question No 1325)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

What is the current status of the data management system being used by the ACT Government to exchange data and information with other providers of care and protection services.

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

This question addresses some of the issues of recommendation 9.3 of *The Territory as Parent* report. The Government agreed to implement this recommendation and work continues to be progressed. The exchange of information with child welfare departments in other jurisdictions occurs pursuant to the provisions of the *Children and Young People Act 1999*.

All care and protection authorities within Australia submit statistical information for inclusion in the annual national publications *Child Protection Australia* and the *Report on Government Services*. These publications provide national statistics on child protection services. They provide current year and trend data on child protection notifications, investigations, substantiations, children on orders and children in out-of-home care. Detailed information on the characteristics of children in the child protection system is presented.

**Children—risk assessments
(Question No 1326)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

What form of a current Memorandum of Understanding and suitable protocols have been developed between the Child at Risk Assessment Unit, Family Services and ACT Policing that clearly show that roles and functions are clearly defined for each agency.

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

A Memorandum of Understanding between the Department and ACT Health was entered into on 31 January 2005. A review of the Memorandum is under consideration and a meeting between ACT Health and the Department to progress the review met on 30 November 2006. Further meetings are scheduled.

The draft Memorandum of Understanding between the Department and ACT Policing has continued to guide practice. Progress towards finalising the draft has been made with a meeting between ACT Policing and the Department held on 5 December 2006. A further meeting will be scheduled for February 2007.

The need for further protocols across the Child at Risk Health Unit (CARHU), Care and Protection Services and the Child Abuse Team (AFP) will be determined upon completion of the current processes.

Children—care and protection (Question No 1328)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

What evidence exists that since 2004 the (a) ACT Children's Plan, (b) policy for Young People and (c) the Homelessness Strategy have given priority to the needs of children and young people in the care and protection system.

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

The ACT Children's Plan, Young People's Plan and the Homelessness Strategy are over-arching frameworks that articulate the Government's priorities and actions around young people which include the needs of children in the care and protection system.

In March 2006, the Department entered into an agreement with all relevant ACT Departments to develop a framework for assistance and support to children and young people in the care and protection system. The agreement is titled *'Sharing Responsibility: A Framework for Service Collaboration for the Care, Protection and Well being of Children and Young People in the ACT'*.

Achievements giving priority to the needs of children in the care and protection system include:

- Establishment of two Child and Family Centres with an early intervention 0-2 years project to work with families who have come to the notice of Care and Protection Services;
- Provision of early intervention family support through Schools as Communities, Parentlink, Parents as Teachers and funding through the Family Support Program;
- A pilot integrated family support project for families known to the care and protection system;
- Amendment to the *Children and Young People Act 1999* to include cultural plans for Aboriginal and Torres Strait Islander children;
- Additional 21 specialist foster care placements for children with high needs since 2004;
- The improvement of policies and practices across the Office consistent with child centred practice principles;
- In 2006/07, a total of \$5.1 million (GST inclusive) in funding was distributed to 25 youth programs to provide services for 'at risk' young people including those in the care of the Chief Executive; and
- In 2005/06, \$27 million was provided in Out-of-Home-Care funding for children and young people in the care of the Chief Executive;

- Research commenced on Children's Experiences of Homelessness, aimed at improving responses to children and young people at risk of homelessness. The research is due for completion in 2007 and
 - The development of a draft memorandum of understanding between Care and Protection Services and the Youth Supported Accommodation Assistance Program (YSAAP) commenced in 2006.
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Children—care and protection (Question No 1329)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

Does the Department maintain a Child Protection Policies and Practices Manual; if so, where can a copy of the Manual be obtained.

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

Care and Protection Services has always had a policy and procedures manual and this is subject to improvement and change due to legislative and best practice requirements. The manual is reviewed on a regular basis and currently is available only to agencies supporting young people in care.

Children—participation strategy (Question No 1330)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

Does the ACT Government maintain a participation strategy for children and young people; if so, what details are available on how many young people have utilised such a strategy since 2004.

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

Government has established a whole of government framework which seeks the participation of its community members. The *Canberra Social Plan*, established by Government in 2004, provides the overall framework. The Social Compact and the Community Engagement Service Charter, arising from the Plan, states:

“To facilitate community engagement opportunities irrespective of age, gender, cultural background, varying abilities and literacy, all engagement will be appropriately targeted and accessible so that relevant sections of our community have an opportunity to be heard on issues that affect them.”

Children and young people have additional mechanisms and services through which they may participate. This includes, the ACT Children's Plan, the ACT Young People's Plan, the Ministerial Youth Council, Youth InterACT and Child and Family Centres.

Individual programs involving young people such as Youth InterACT record 159,230 hits to their web site since January 2004, they have 477 registered members who are consulted on

issues and have had more than 400 young people participate at their annual conferences since 2004.

**Youth—conferencing funding
(Question No 1331)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

Given that the ACT Government agreed to initial funding to implement youth network conferencing and family group conferencing, how much funding was allocated post the Vardon 2004 Report and for what period.

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

The Family Group Conferencing Unit of the Office for Children Youth and Family Support has a permanent staff establishment of a Team Leader and two facilitators who are senior professionals. This is an increase of one full-time practitioner since 2004, approximately \$79,237 per year.

**Children—indigenous
(Question No 1332)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

- (1) Why hasn't the Government held a "gathering" to explore cross-cultural awareness and the storylines of indigenous children and young people, as recommended in the Vardon Report of 2004;
- (2) Will the Government be holding such a "gathering"; if so, when will it be; if not, why not;
- (3) Does a specific Indigenous Unit still exist; if so, what are its main functions; if not, why not.

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

- (1) Consultations with the Vardon Aboriginal and Torres Strait Islander Reference Group and other Indigenous stakeholders around how the Aboriginal and Torres Strait Islander "gathering" should proceed have been ongoing for some time and have reached a stage where there is general agreement on the purpose and scope of the "gathering". The initiative is now entering the next phase of detailed project planning.
 - (2) The "gathering" is expected to be held by May 2007.
 - (3) A specific Indigenous Unit—the Aboriginal and Torres Strait Islander Services (ATSIS) exists and further detail on it and its' work can be found in the 2005-06 Annual Report.
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**Children—needs
(Question No 1333)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

- (1) In what way have strategies been developed and given more rigor to provide for the identification of high-needs children and young people since 2004;
- (2) How effective has any pilot project or program been in regard to therapeutic services and placements for children and young people since 2004.

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

- (1) This question arises from recommendation 3.1 of *The Territory as Parent* report (2004). The Government agreed to implement this recommendation and work remains in progress. The work undertaken within the Office for Children, Youth and Family Support (OCYFS) and in collaboration with other agencies includes:
 - Through the voluntary and mandatory reporting provisions of the *Children and Young People Act 1999*, Care and Protection Services receive information concerning children and young people at risk of abuse and neglect and more readily identify children with high needs.
 - All reports are risk assessed. The risk assessment tool has been strengthened, as demonstrated by a reduction in the number of appraisals and an increase in the number of substantiated reports.
 - Review and training of staff has been conducted concerning the revised policies and practices.
 - Clear and improved interactions with other organisations have improved the identification of children and young people with high needs through reports and improved working relationships.
 - Additional placement opportunities are available for children and young people identified as having high needs.
- (2) The effectiveness of programs such as Turnaround has been assessed through external evaluation and been found to be an effective service to meet the needs of young people with high risk needs. While many of the other programs, such as the specialist foster care placements, the ongoing provision of the One Stop Shop and the Stabilisation, Assessment and Transition program are in the first twelve months of operation, there are indications that they are successfully meeting the needs of their client groups.

**Children—care and protection
(Question No 1334)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

- (1) What is the status of the proposed national project, at a ministerial council level, for the purposes of compiling “statistics from all jurisdictions, reporting on abuse in care, and to develop nationally robust strategies to improve the safety of children and young people while they are in care”;

- (2) What has the ACT Government done in particular to expedite this project.

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

- (1) A Community and Disability Ministers Advisory Council (CDSMAC) Working Group is leading the above national project, referred to as the "National Approach to Child Protection". The focus of the Working Group has been on the development of a common descriptive framework, definitions and terminologies for child protection, prevention and early intervention.

This Working Group is making considerable progress and has developed a 'Statement of Work', which was noted by Ministers in July 2006. The Queensland Department of Child Safety, as the lead agency, has commissioned research for the first stage, due to be completed by the end of 2006.

- (2) While Queensland has taken the lead role for this project, all jurisdictions, including the ACT, have been actively involved on the Working Group to progress the associated work and have met regularly during 2006.

Children—care and protection (Question No 1335)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

- (1) When and in what way was the Departmental policy amended and extended to include allegations of harm to children and young people while they come within the legal responsibility of the Chief Executive;
- (2) How effective have the changes been in relation to the Chief Executive being more fully aware of the number and type of allegations of harm to children and young people since 2004.

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

- (1) Departmental policy in relation to reports alleging harm to children and young people for whom the Chief Executive had parental responsibility has reflected the provisions of the Children and Young People Act 1999 since the Act was commenced in May 2000

The most recent update in Departmental policy occurred following the amendment to section 162(2) of the Children and Young People Act 1999 on 1 July 2006. This amendment requires the Chief Executive to advise the ACT Public Advocate of specific reports made to Care and Protection Services regarding children in care, in compliance with S189A of the Act.

- (2) In its 2005-06 Annual Report the public Advocate notes the compliance by the Department.
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**Children—care and protection
(Question No 1336)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

- (1) What is the status and effectiveness of the community education program to improve community awareness of child safety and to explain the role of the community in the role of the child protection network of community, Government and family;
- (2) Will the Government provide a copy of the comprehensive communication plan it agreed to develop in 2004; if not, why not.

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

- (1) This question arises from recommendations 2.1 and 6.1 of *The Territory as Parent* report (2004). The Government agreed to implement this recommendation. Partnerships have been established with ACT Health and the Department of Education and Training to develop training programs to inform staff of their roles and responsibilities in protecting children and reporting child abuse. Regular education sessions have been run for other government and community based agencies. Since February 2005 one hundred and fifty four (154) education sessions have been run for services who support families. A fact sheet was distributed on the Department's website that advised community partners of amendments to the *Children and Young People Act 1999*. A series of information sessions were delivered regarding these changes and over 500 people attended these sessions. The booklet 'Keeping Children and Young People Safe' was revised in August 2006 and approximately 18,000 copies have been distributed to a broad range of government and non-government agencies to date.
 - (2) This question arises from recommendation 8.20 of *The Territory as Parent* report (2004). The Government agreed to implement this recommendation. A comprehensive communication plan has been developed which consists of the following measures:
 - The Office for Children, Youth and Family Support (OCYFS) launched its online Operational Guide Portal available to all OCYFS staff in September 2006. The portal is restricted to OCYFS staff and contains detailed information about policies, procedures, legislation and practice directions.
 - The development of a communications strategy with the Out of Home Care sector is currently underway. A proposal to develop an on-line portal has been agreed to by the Out of Home Care Committee, with direct access to essential information regarding Care and Protection Services.
 - Information on care and protection services is available to all individuals and can be found on the internet at: www.dhcs.act.gov.au This site is maintained and updated regularly.
 - A regular newsletter has been produced by OCYFS. The newsletter targets service providers who work with children and their families and aims to inform about developments in child protection. Priority is given to explaining the important role community and government agencies play in protecting children. These documents can be found at: www.dhcs.act.gov.au/ocyfs/publications
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**Children—care and protection
(Question No 1337)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 17 October 2006:

- (1) How many case workers are currently employed with the Department in relation to Child Support and Protection;
- (2) What is the case load of each case worker at any one time;
- (3) How many children died in the ACT as a result of (a) domestic violence, (b) abuse (c) neglect between the ages of (i) 0-3years, (ii) 3-5years, (iii) 5-12 years and (iv) 12-16years who had (A) previously been known to or had some contact with or (B) not previously been known to the Department of Disability and Community Services;
- (4) What is the comparative figure for the number of child deaths within the community generally.

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

- (1) There are currently 102 operational Care and Protection Services workers employed by the Department.
- (2) Caseloads are dependent on the level of experience, skill and operational area of the staff member. Staff of varying levels may case manage between 5 and 16 cases.
- (3) No period has been stipulated in this question. However during the past twelve months there have been six children who at some time in their lives were known to Care and Protection Services who are known to have died. None of these children were in the care of the Chief Executive. Coronial Inquires have not been completed to ascertain the cause of death of these children. Of these children, one child was aged 4 years. All other children were aged 0-3 years. Information concerning the number of child deaths in the ACT during the same period is not available.
- (4) Data concerning child deaths during 2005-2006 is not available. However, in June 2006, the Review of ACT Child Deaths Report, covering the period 1992-2003 prepared by the ACT Health Child Death Review Team, was released. The Registrar of Births, Deaths and Marriages provides limited data in the Annual Report of the Department of Justice and Community Safety.

**Bushfires—hazard reduction
(Question No 1342)**

Mr Pratt asked the Minister for the Territory and Municipal Services, upon notice, on 18 October 2006:

- (1) What is the total budget for bushfire hazard reduction for the 2006-07 bushfire season for (a) hazard reduction burns conducted by fire units, (b) any other hazard reduction and clean up tasks, (c) the monthly activity program by activity by which this budget will be

expended, including description and cost of task and the which of these tasks have been allocated for hazard reduction to be undertaken by fire units;

- (2) What is the total budget for hazard reduction on the urban edge and along arterial roadways by mowing for the 2006-07 bushfire season;
- (3) What are the details of the monthly activity program details relating to part (2).

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

- (1) The total budget for bushfire hazard reduction for 2006-07 financial year is \$6.49M; this covers prevention, suppression, and preparedness.

(a) The budget for hazard reduction burns for 2006-07 is \$0.2M.

(b) The budget for hazard reduction and clean up tasks is \$3.0M; this covers grazing, mowing/slashing, physical removal and herbicide control.

(c) Other activities included in the approved Bushfire Operation Plan (BOP):

Access improvements and maintenance - \$1.0M;

Infrastructure such as dams and access trail signage - \$0.1M;

Fire Fighting Equipment - \$0.08M;

Fire fighter related training - \$0.06M;

Auditing and monitoring - \$0.17M;

Fire management salaries and stand up overtime - \$0.83M;

Seasonal and rapid response plant - \$0.95M; and

Emergency management - \$0.06M.

The BOP is the approved works plan for fire related work for the 12-month period commencing on July 1st each year. Whilst some activities are specifically programmed in identified months (such as mowing and physical removal) other activities are undertaken when the seasonal circumstances are appropriate. A mixture of contract and permanent staff undertake the above activities.

- (2) The budget for mowing along the urban edge, arterial roads and rural roads is \$1.56M
- (3) Grass is mowed to meet the standard specified in the Strategic Bushfire Management Plan (SBMP) which is to maintain the grass below 200mm when it is more than 70% dried out. Achieving this standard usually requires mowing to commence in October with the first cut being complete by Christmas. Only if the grass regrows and exceeds the standard specified in the SBMP is it necessary to undertake a second cut after Christmas. The very dry conditions this year has resulted in limited grass growth and hence some areas identified for mowing in the TAMS BOP will not require mowing in order to meet SBMP standards while most other areas are likely to only need a single cut. The specific areas identified for mowing are specified in the TAMS BOP which can be provided if requested.

Children—carers (Question No 1349)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 18 October 2006:

Given that the ACT Government response to the Vardon Report 2004 agreed to establish core competencies for professional foster and kinship carers in services related children services, has this been completed and implemented; if not, why not.

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

The Office for Children Youth and Family Support (OCYFS) have been engaged in an ongoing and positive consultation process with key stakeholders in the Out of Home Care sector to develop pre-service training based on nationally recognised competencies for foster carers. These competencies form part of the Certificate IV in Community Services (Protective Care). The training would also be available to kinship carers.

As part of the 'pre-service' phase of training, foster carers will complete four units of competency. The delivery and assessment of this training involves a partnership approach involving collaboration between foster care agencies, the OCYFS and a Registered Training Organisation (RTO) - Training for the Health and Community Services (TRAHCS).

Departmental and agency staff have completed a Certificate IV Training and Assessment in order to be qualified to assess the foster care training.

Children—care and protection (Question No 1350)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 18 October 2006:

Given that the Vardon Report 2004 recommended that a comprehensive communication plan be developed for internal and external communication, as a way of informing all individuals and agencies about care and protection services in the ACT and that the ACT Government response of May 2004 to the Vardon Report agreed to the recommendation and to preparing a comprehensive plan, has this been completed; if so, is a copy of the plan available for scrutiny; if not, why not.

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

See Answer to QoN No 1336 (2)

Environment—climate change strategy (Question No 1353)

Dr Foskey asked the Chief Minister, upon notice, on 18 October 2006 (*redirected to the Minister for the Territory and Municipal Services*):

- (1) Does the ACT Government still intend on releasing a final energy and climate change strategy by December 2006;
- (2) If not, what is the timeline for its release and why has it been delayed.

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

(1) It is intended that both strategies will be released in December 2006.

(2) See above.

**Rhodium Asset Solutions Ltd
(Question No 1356)**

Mr Stefaniak asked the Chief Minister, upon notice, on 19 October 2006 (*redirected to the Treasurer*):

- (1) Was the position of Chief Executive Officer (CEO) of Rhodium advertised; if not, why not; if so, where was it advertised and when;
- (2) How many applicants were there;
- (3) Who was on the panel for the selection of Ms Clark as CEO and in what capacity;
- (4) How many applicants were interviewed;
- (5) Did the panel speak to the referees for all of the applicants;
- (6) Why was Ms Clark selected as the CEO.

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

- (1) Totalcare has advised that the position of Executive Manager, Fleet Services, Totalcare Industries Limited was advertised nationally in the first part of 2004.
- (2) I am advised that there were several applicants. The precise number cannot be identified. However, in context, the then Manager of Totalcare Fleet suffered a sudden illness that was diagnosed as being fatal within a short time. She immediately left the company to spend her last days in her home State, with family and friends.

I am advised that the then Chief Executive of Totalcare was tasked to find an interim or temporary Manager of the company's Fleet division, pending the Government's decision as to the final direction of Fleet.
- (3) I am advised that Ms Sandra Lambert, Mr Jeremy Pyner and Mr Michael Zissler, in their capacity as Totalcare Directors, conducted the interviews.
- (4) I am advised that the panel recalled several interviewees. However, none of the panel recalls how many. In the context of the effort involved with re-integrating Totalcare operations to government, and in view of many additional issues confronting the Board of Totalcare arising out of the company's past operational performance, the precise number of applicants competing to fill a temporary replacement was of lesser import than the terminally ill Manager.
- (5) I am advised that Ms Clark was the successful applicant. Usual commercial practice is for the referees of the successful applicant to be consulted and for the referees of any other applicants not to be consulted unless the successful applicant's referees' reports give rise for concern. In addition, if the successful applicant's referees were in line with the expectations of the interviewing panel, the successful applicant would be

recommended to the Board and the claims of the other applicants not pursued further, with their applications and resumes destroyed.

I am further advised that Ms Clark's referees in mid 2004 were the Chief Financial Officer of the Victorian Department of Treasury and Infrastructure, the Chief Executive Officer of Calvary Hospital, and a senior Director of the National Crime Authority. The members of the interview committee spoke separately with each referee to assure that the process was fair. All referees reported very positively about Ms Clark. In particular, fiscal responsibility, change management ability, leadership and focus on outcomes were assessed very highly overall.

- (6) I am advised that as a result of her interview and her referees' reports, Ms Clark was assessed as the suitable appointee to the temporary position of Executive Manager, Totalcare Fleet. She was duly appointed to that position by Totalcare.

Policing—prosecutions (Question No 1373)

Dr Foskey asked the Minister for Police and Emergency Services, upon notice, on 14 November 2006:

- (1) What is the number of criminal prosecutions attempted by the Australian Federal Police (AFP) in the ACT in (a) 2003-04, (b) 2004-05 and (c) 2005-06;
- (2) How many criminal prosecutions have had AFP evidence ruled inadmissible due to the AFP not following proper procedures regarding interrogations and forensic examinations, or losing exhibits etc in (a) 2003-04, (b) 2004-05 and (c) 2005-06;
- (3) What is the estimated amount of ACT Government funding to AFP that has been spent on the cases and in the years listed in part (2);
- (4) What attempts are being made by the ACT Government and AFP to minimise the problems cited in part (2);
- (5) How successful have these actions been, and can any quantifiable evidence be provided to support the answer.

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

- (1) Prosecution statistics are recorded as 'completed charges' as generated by the ACT Director of Public Prosecutions and displayed within AFP Annual Reports.

The number of completed charges placed before ACT Courts (including criminal and traffic offences) are:

- a. 13,724
 - b. 10,563
 - c. 12,917
- (2) Statistics are not held. Analysis is too resource intensive as it would require each failed or withdrawn prosecution to be individually examined.
 - (3) See answer to Part (2).

- (4) In September 2005 ACT Policing implemented, in partnership with the ACT Director of Public Prosecutions, a process to report upon and evaluate failed and withdrawn prosecutions. The process aims to identify existing or potential systemic faults, either within the preparation of briefs of evidence by ACT Policing, or within the presentation of material to the court by the ACT DPP.

The ACT Policing Prosecution and Judicial Support Team conduct ongoing training in 'Brief Adjudication' for team leaders. The training is provided in partnership with the ACT DPP and aims to ensure appropriate quality assurance is applied to the preparation and submission of briefs of evidence.

- (5) During 2005-06 ACT Policing met all relevant key performance measures prescribed by the ACT Policing Purchase Agreement.

Statistical evidence is provided within the ACT Policing Annual Report in Table B21, Part B, page 57.

Schools—closures (Question No 1374)

Mr Berry asked the Minister for Education and Training, upon notice, on 14 November 2006:

Of the 22 pre-schools, 15 primary schools, one high school and one college proposed for possible closure in the Government's 2020 Plan, which of those school Boards and Parent and Citizens' Associations have (a) met with the Minister and/or the Department so far during the consultation phase and (b) so far agreed with the Government's 2020 Plan for their respective schools.

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

- (a) The Minister and/or representative of the Department have met all schools proposed for possible closure.
- (b) The meetings held with these organisations were not to obtain agreement. The meetings were to provide information, seek feedback and provide community members with the opportunity for discussion of issues associated with the proposals.

Public service—staff (Question No 1375)

Mr Stefaniak asked the Chief Minister, upon notice, on 14 November 2006:

- (1) What was the (a) overall staffing level in the ACT public service and (b) number of senior executive service equivalent level positions, as at the end of (i) 2005-06, (ii) 2004-05, (iii) 2003-04, (iv) 2002-03 and (v) 2001-02;
- (2) What was the overall (a) number and rate of staff departures from and (b) rate of recruitment of new staff to the ACT public service for each of the years listed in part (1);

- (3) How many staff in the ACT public service were declared redundant and received a redundancy package/payout during each of the years listed in part (1);
- (4) What was the total cost of any redundancy payments as outlined in part (3) for each of the years listed in part (1).

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

- (1) (a) Total staff (paid headcount)

Table 1

| Year Range | Total Staff | Departures No. | % Rate | Recruitment No. | % Rate |
|------------|-------------|----------------|--------|-----------------|--------|
| 2005-06 | 18,799 | 1,834 | 9.76 | 1,563 | 8.31 |
| 2004-05 | 19,070 | 1,691 | 8.87 | 1,264 | 6.63 |
| 2003-04 | 19,497 | 1,526 | 7.83 | 2,232 | 11.45 |
| 2002-03 | 18,791 | 1,474 | 7.84 | 2,301 | 12.25 |
| 2001-02 | 17,964 | 1,052 | 5.86 | 945 | 5.26 |

- (b) Number of senior executives

Table 2

| Year Range | No. |
|------------|-----|
| 2005-06 | 147 |
| 2004-05 | 150 |
| 2003-04 | 139 |
| 2002-03 | 127 |
| 2001-02 | 110 |

- (2) (a) & (b)

Refer to Table 1

- (3) Number of voluntary redundancies

Table 3

| Year Range | No. |
|------------|-----|
| 2005-06 | 149 |
| 2004-05 | 19 |
| 2003-04 | 36 |
| 2002-03 | 53 |
| 2001-02 | 113 |

- (4) The average cost of a voluntary redundancy package over the years 2001-02 to 2005-06 was \$60,000 per person.

Living in Canberra campaign (Question No 1376)

Mr Stefaniak asked the Chief Minister, upon notice, on 14 November 2006:

- (1) How many people (a) have moved, (b) are definitely planning to move and (c) have expressed an interest in moving to Canberra as a direct result of the Living in Canberra campaign;
- (2) How many people who have moved to Canberra have had skills in demand in the ACT therefore reducing the skills shortage;
- (3) How much has the campaign cost and what has the Government spent the money on;
- (4) How many ACT Government employees are administering the campaign;
- (5) How much money has been invested in the ACT as a direct result of the campaign;
- (6) How many people recruited by the campaign have since moved out of the ACT.

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

- (1) (a) There are 10 known families who have moved as a direct result of the campaign, but an exact number is impossible to quantify, (b) there are approximately 22 families currently in contact with the *Live in Canberra* team who have participated in a familiarisation visit to Canberra definitely planning to move, (c) to date over 750 *Live in Canberra* information packs have been sent to people expressing interest in moving to Canberra and the *Live in Canberra* web site has received over 25,000 unique visits.
- (2) All the known people who have moved hold skills currently in demand.
- (3) The cost of Phase One of the campaign was \$400,000 of which the private sector contributed \$200,000 (cash and in-kind support). Phase Two of the campaign, which will encompass the 2006/07 financial year and includes partnership with the Skilled and Business Migration Program, will cost, approximately \$170,000, of which the private sector has contributed \$85,000.

Total staffing costs to June 30 2007, will be approximately \$200,000.

- (4) From July 2006 there has been one full time employee who has received some support from three employees from within CMD.
- (5) Unknown.
- (6) None that we are aware of.

**ACT Skills Commission
(Question No 1377)**

Mr Stefaniak asked the Minister for Business and Economic Development, upon notice, on 14 November 2006:

- (1) Who is on the board for the ACT Skills Commission;
- (2) How many board members have a business background;

- (3) How many members of the board will receive payment for their services and of those members how much remuneration will each receive;
- (4) How will the ACT Skills Commission be accountable to the ACT Government;
- (5) What directions has the ACT Government given the ACT Skills Commission on its commencement on 1 November;
- (6) How many paid staff will the Commission have;
- (7) What is the Commission's budget for 2006-07.

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

- (1) The ACT Skills Commission members are:
 - Professor Ian Chubb AC, Chair (ANU Vice Chancellor)
 - Ms Rosemary Follett AO, Deputy Chair (Chair of the Vocational Education and Training Authority);
 - Mr Derek Volker AO, Chair of the Council for Education Export;
 - Dr Michele Bruniges, Chief Executive, ACT Department of Education and Training;
 - Mr Chris Peters AM, Chief Executive, ACT and Region Chamber of Commerce and Industry;
 - Mr John Miller, Executive Director, Canberra Business Council;
 - Mr John Hindmarsh, Managing Director, Hindmarsh;
 - Professor Roger Dean, Vice Chancellor, University of Canberra;
 - Dr Colin Adrian, Chief Executive, Canberra Institute of Technology;
 - Professor John Richards, Director, ANU School of Information Sciences and Engineering; and
 - Ms Sarah Schoonwater, President, CFMEU
 - (2) 'Business background' is an imprecise term. All members of the Commission have senior or CEO-level experience managing complex organisations.
 - (3) All non-Government members will be remunerated, at a rate to be determined by the Remuneration Tribunal.
 - (4) The Commission will report regularly to the Government (timing to be determined by the Commission) and provide advice to the Government.
 - (5) The Commission will work to its Terms of Reference prepared by the Government.
 - (6) Two.
 - (7) The Commission's budget for 2006/07 is approximately \$250,000, including administration and research.
-

**ACT Skills Commission
(Question No 1378)**

Mr Stefaniak asked the Minister for Business and Economic Development, upon notice, on 14 November 2006:

- (1) What research will the ACT Skills Commission be responsible for during 2006-07;
- (2) How much will each piece of research performed by the Commission cost;
- (3) If consultants are to conduct the research, how will they be chosen;
- (4) When will the research be completed and when will it be published;
- (5) What will the ACT Skills Commission do once its research tasks are finished.

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

- (1) The Commission's research program will be decided by the Commission, with input from the Government. Decision-making about the make-up of research will commence from 6 December 2006, the date of the first Skills Commission meeting.
- (2) See 1.
- (3) Where consultants are used, they will be selected according to the requirements of the ACT Government Procurement Guidelines.
- (4) See 1.
- (5) The ACT Skills Commission has a two year term. The Commission will provide advice to Government on skills policy issues based on research undertaken within the scope of its Terms of Reference.

**Immigration—business migrants
(Question No 1379)**

Mr Stefaniak asked the Minister for Business and Economic Development, upon notice, on 14 November 2006:

- (1) How many potential business migrants sought assistance from the ACT Government during 2005-06;
- (2) How many business migrants came to the ACT during 2005-06;
- (3) What does the Minister's Department currently do to assist potential business migrants for the ACT;
- (4) What criteria do applicants have to meet in order to receive assistance.

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

- (1) Thirteen provisional and one permanent business migrant were sponsored in 2005-06.
 - (2) Seventeen permanent and three temporary business migrants were granted business visas in 2005– 06 and moved to the ACT.
 - (3) The Department promotes the ACT Business Migration guidelines through the BusinessACT website and provides services to assist potential business migrants with their particular requirements.
 - (4) The application forms and guidelines / criteria for ACT Government sponsorship are published on the BusinessACT website. They comply with the Department of Immigration and Multicultural Affairs (DIMA) visa criteria.
-

**Public service—staff
(Question No 1380)**

Mr Stefaniak asked the Minister for Business and Economic Development, upon notice, on 14 November 2006:

- (1) How many officers were working in positions related to business and economic development as at (a) 1 January 2006 and (b) 1 October 2006;
- (2) How many vacant positions related to business and economic development existed as at 1 October 2006;
- (3) How many officers in these areas have taken voluntary redundancies during 2006;
- (4) How much have these voluntary redundancies cost;
- (5) How many officers working in these areas as at 1 January 2006 have taken up positions in other areas of the ACT Government during 2006.

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

- (1) a) 52 officers on 29 December 2005
b) 15 officers on 1 October 2006
 - (2) There were 3 vacant positions at 1 October 2006
 - (3) As at 4 December 2006, 40 officers have taken voluntary redundancies and a further officer has accepted an offer of voluntary redundancy and will separate from the ACT Public Service by 22 December 2006.
 - (4) The total severance component for 36 of the 41 officers is \$1,568,392.77. Final monies calculations for five officers are being finalised and therefore are not included in the above figure.
 - (5) One officer has taken up a position in another area of the ACT Government.
-

**Business—mortgage brokers
(Question No 1381)**

Mr Stefaniak asked the Attorney-General, upon notice, on 14 November 2006:

- (1) How many complaints did the Office of Fair Trading receive about mortgage brokers during 2005-06;
- (2) How many of these complaints were investigated and what was the outcome of those investigations;
- (3) What capacity does the ACT have to act against unscrupulous mortgage brokers.

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

- (1) For the period 2005-06 the Office of Fair Trading (OFT) received six complaints in relation to finance brokers, commonly known as mortgage brokers.
- (2) All six matters were investigated. The OFT liaised with the Australian Securities Investments Commission (ASIC) in relation to three of those matters. Subsequently, legal proceedings have been taken against two persons by ASIC. In addition, OFT investigation has resulted in two persons charged for several breaches of the *Consumer Credit (Administration) Act 1996*. Those matters were last before the ACT Magistrates Court on 30 November 2006.
- (3) The ACT has a variety of compliance and enforcement tools in this field. The Commissioner for Fair Trading may investigate, issue notices including penalties of up to \$5,000, and apply to suspend or cancel registration. Depending upon the nature of the conduct, the Commissioner may commence civil or criminal proceedings under the *Consumer Credit (Administration) Act 1996*, the Consumer Credit Code (ACT) and the *Fair Trading Act 1992*.

**ACT Corrective Services
(Question No 1382)**

Mr Stefaniak asked the Attorney-General, upon notice, on 14 November 2006:

- (1) How many staff were working in the Probation and Parole Unit in ACT Corrective Services as at (a) October 2006 and (b) the end of the 2004-05 financial year;
- (2) Have there been any cuts to key programs in the rehabilitations Programs unit in ACT Corrective Services in the financial years (a) 2005-06 and (b) 2006-07;
- (3) Is the senior psychologist position in the Rehabilitation Programs Unit in ACT Corrective Services currently filled;
- (4) For how long was the senior psychologist position in the Rehabilitations Program Unit in ACT Corrective Services left vacant this calendar year;
- (5) Have there been any cuts made to the Sex Offenders Program in ACT Corrective Services over the last 18 months; if so, what is the extent of those cuts to that program.

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

- (1) (a) As at October 2006, the Probation and Parole Unit had 32 staff employed.
(b) At the end of the 2004-05 financial year, the Probation and Parole Unit employed 35 staff.
 - (2) (a) No.
(b) No.
 - (3) Yes.
 - (4) The senior psychologist position in the Rehabilitation Programs Unit was vacant from 5 April 2006 to 28 July 2006.
 - (5) There have been no cuts to the Sex Offender Program over the last 18 months.
-

**Library services
(Question No 1383)**

Mr Stefaniak asked the Minister for the Territory and Municipal Services, upon notice, on 14 November 2006:

- (1) Does the consultant's review of ACT Government library services mention the ACT Government and Assembly Library; if so, has any decision been made to change resourcing for the ACT Government and Assembly Library and what decision was made;
- (2) Will staffing of the ACT Government and Assembly Library be cut; if so, how many positions;
- (3) What services will the Library no longer provide to Members of the ACT Assembly and their staff because of changes made resulting from the review;
- (4) What services will no longer be available to ACT Government officers.

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

- (1) Yes; No.
 - (2) See response above.
 - (3) See response above.
 - (4) See response above.
-

**Roads—maintenance
(Question No 1384)**

Mr Stefaniak asked the Minister for the Territory and Municipal Services, upon notice, on 14 November 2006:

- (1) How much will the ACT Government spend on roads maintenance during 2006-07;

- (2) What was the level of expenditure on roads maintenance for (a) 2003-04, (b) 2004-05 and (c) 2005-06;
- (3) How much will be spent on roads maintenance during (a) 2007-08, (b) 2008-09 and (c) 2009-10;
- (4) How many people work on maintaining roads as at 1 July 2006;
- (5) How many people worked on maintaining roads as at 1 July in (a) 2002, (b) 2003, (c) 2004 and (d) 2005;
- (6) How many people does the Minister anticipate will be working on maintaining Canberra's roads as at 1 July 2007.

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

- (1) The level of recurrent budget funding for road maintenance in 2006-07 is \$17.30 million.
- (2) Level of previous roads maintenance expenditure is:

| | |
|---------|-----------------|
| 2003-04 | \$10.50 million |
| 2004-05 | \$12.70 million |
| 2005-06 | \$11.03 million |
- (3) The budget for outgoing years 2007-08, 2008-09 and 2009-10 will be subject to a future budget approval and is not known at this time.
- (4) It is not possible to provide information on the number of people in the ACT working on maintaining roads as at 1 July 2006 when you consider both the public and private sector involvements.
- (5) See above.
- (6) See above.

Roads—maintenance (Question No 1385)

Mr Stefaniak asked the Minister for the Territory and Municipal Services, upon notice, on 14 November 2006:

- (1) Has the ACT Government done any studies of necessary infrastructure maintenance for the future; if so, what studies have been done and when were they done;
- (2) What were the recommendations of these studies in relation to road maintenance;
- (3) What has the Government done to implement these recommendations.

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

- (1) Yes, studies of key road infrastructure assets have been undertaken to determine maintenance requirements as listed below:

- “Strategic Study into Management of ACT Roads and Stormwater Assets”, by ARRB Transport Research, May 2001.
 - “Roads ACT Asset Management Plan 2004-2007”.
 - “Year 2002-03 Pavement Network condition report and works program” by Pavement Management Services, March 2003.
- (2) The studies recommended the adoption of a strategic approach to the maintenance of road assets based on a systematic inspection, collection and assessment of condition information.
- (3) The Government has used the report to prioritise current and future road network maintenance works within the approved budget.
-

Water—costs (Question No 1387)

Mr Mulcahy asked the Chief Minister, upon notice, on 14 November 2006:

- (1) What revenue has been collected in each financial year since the Water Abstraction Charge was increased from 10 cents per kilolitre;
- (2) What expenses have been incurred, in each financial year since the Water Abstraction Charge was increased from 10 cents per kilolitre, for (a) class of expenditure, (b) expenditure incurred for multiple purposes for example forestry, fauna, environmental management or environmental flows and (c) the basis of apportionment;
- (3) Did the ACT Auditor-General certify that the expenses in each year were reasonably necessary and appropriate for the provision of water to urban users and were not incurred for other purposes such as forestry or park management; if so, will he provide that certification; if not, why not.

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

- (1) The Water Abstraction Charge (WAC) was raised from 10 cents per kilolitre to 20 cents per kilolitre on 1 January 2004. The audited WAC revenue is:
- 2003-04: \$6.715 million;
 - 2004-05: \$9.638 million; and
 - 2005-06: \$12.632 million.
- (2) The ACT Government has a range of expenses for the supply of water. In 2003, these were identified and recognised by the ICRC. “Eligible costs that need to be identified and measured include all those costs incurred by the Government that are directly attributable to the management, operation and administration of the ACT’s water supply (excluding costs incurred by ACTEW).” (*Source: ICRC Final Report - Water Abstraction Charge – October 2003: Page 11*).

ACT Government Water Supply Expenditure for 2002/03:

| Agency | \$m |
|----------------------------------|------------|
| Parks and conservation | 1.5 |
| Wildlife research and monitoring | 0.3 |
| Environment protection | 2.2 |
| Canberra Urban Parks and Places | 0.3 |
| Treasury | 0.4 |
| Health | 0.2 |
| Chief Minister's | 0.2 |
| Justice and Community Safety | 0.2 |
| Total | 5.3 |

Source: *EnvironmentACT, Department of Urban Services submission*

Parks and Conservation expenditure covers weed and feral animal control, erosion control through revegetation, boundary maintenance, including fencing, riverine strip fencing, maintenance of access roads and tracks and ranger patrols for inappropriate activities and illegal entry. Also included (where they relate to catchment management) are community education through interpretation, revegetation, liaising with and providing advice to, rural lessees, managing visitor activities and fire pre-suppression/suppression.

Environment Protection expenditure covers water resource licensing; water related environmental education; community water programs, monitoring of water quality and flows; and regulation of activities which affect water quality and fishing. Treasury, Health, Chief Minister's and Justice and Community safety expenditure relates predominantly to salaries and related costs for water policy and administrative roles.

Apportionment for more recent financial years is indicative only as ACT Government priorities and policies, and their implementation, have altered since 2002/03, particularly in response to the bushfires and the continuation of the drought as well as the implementation of the ACT Governments water strategy, *Think water, act water*.

The estimated expenditure for 2004/05 was \$10.9m and for 2005/06 was \$15.1m.

- (3) The Water Abstraction Charge (WAC) is an ACT Government charge on those licensed to take ACT water for the purpose of urban water supply (set at 55 cents per kilolitre) and other licensees (set at 25 cents per kilolitre).

The WAC is not a hypothecated revenue stream. WAC revenue accrues to consolidated revenue to be spent on a range of Government services. There is no role for the Auditor-General.

Policing—operations support (Question No 1388)

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

- (1) How many Operation Support Sergeants (OSS) are located in each ACT police station;
- (2) How many OSS across the ACT are sworn officers;
- (3) How many full time equivalent positions do OSS occupy across the ACT.

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

- (1) There are two Operation Support Sergeants at each of Woden, Tuggeranong, City and Belconnen Stations; and there are two in the Territory Investigations Group. This makes a total of 10 OSS for ACT Policing.
 - (2) All Operation Support Sergeants are sworn officers.
 - (3) The 10 OSS occupy the equivalent of 10 FTE.
-

**Emergency Services Authority—call centre
(Question No 1389)**

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

- (1) What is the current strategy in place at the Emergency Services Authority (ESA) headquarters call centre for handling incoming calls when they exceed limitations during a multiple emergency situation;
- (2) What training is provided to call centre operators specifically in handling incoming calls during a multiple emergency situation;
- (3) Is there a redundancy factor built into current ESA headquarters PABX systems to cover power failure and system breakdown; if so, where;
- (4) When was the most recent upgrade of call centre communications equipment in the ESA Headquarters.

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

- (1) Overflow incoming emergency calls for the Emergency Services Agency (ESA) are redirected by Telstra to ACT Policing Communications Centre.
- (2) Both ACT Ambulance Service and ACT Fire Brigade Communication Centre (ComCen) operators receive 12 days training, part of this training encompasses call taking procedures. ACT Fire Brigade ComCen operators also receive training in procedures for call taking for Rural Fire Service and State Emergency Service. There are established procedures in place for peaks in demand including overflow arrangements with ACT Policing as stated in (1).
- (3) The ACT ESA ComCen is supported by a UPS (uninterrupted power supply), which has 100% redundancy and further supported by a 350KVA generator. Complete system failure is managed as an overflow

- (4) Upgrades to ACT ESA ComCen equipment is an ongoing process with the last significant upgrade carried out in the week starting the 6 November 2006.
-

**Bushfires—budget
(Question No 1390)**

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

Does the Emergency Services Authority have an aerial fire fighting budget for the current bush fire season; if not, why not.

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

Yes. Ongoing funding was appropriated in the 2004 budget for aerial fire fighting and is within the ESA base for this bush fire season.

**Bushfires—spotting towers
(Question No 1391)**

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

Is there a contract in place, or being finalised, for the staffing of bush fire spotting and detection towers for the duration of this bushfire season; if so, how many staff will be required; if not, why not.

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

The contract for Fire Towers automatically commences with the start of the bushfire season and expires with the end of the bushfire season. This year it commenced on 1 October. Being a contract it is staffed by the contractor (FTJ Forest Services) for up to four personnel per day relative to the readiness level and the number of fire towers required to be manned.

**Water—playing fields
(Question No 1392)**

Mr Pratt asked the Minister for the Territory and Municipal Services, upon notice, on 14 November 2006 (*redirected to the Minister for Tourism, Sport and Recreation*):

- (1) How often are water sprinklers used on ACT playing fields during summer;
- (2) At what time of day and for how long are ACT playing fields watered during summer months.

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

- (1) The use of irrigation on ACT Government sportsgrounds will vary according to a range of factors including temperature, rainfall, evaporation, ground usage and maintenance schedules on the individual grounds. Programs can change on an almost daily basis, depending on prevailing weather conditions.
- (2) There is no standard program but in general, it is undertaken between 9.00pm and 8.00am from Sunday to Thursday nights. Actual times will vary according to weather conditions and the design of the individual system at each sportsground site.

Hospitals—pay parking (Question No 1393)

Mr Pratt asked the Minister for the Territory and Municipal Services, upon notice, on 14 November 2006 (*redirected to the Attorney General*):

- (1) How many parking infringement notices have been issued in (a) The Canberra Hospital and (b) Calvary Hospital precincts since the implementation of pay parking;
- (2) Of the infringements in part (1), how many (a) are currently being reviewed, (b) have been paid and (c) have not been paid.

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

- (1) (a) 159 parking infringements have been issued at Canberra Hospital
(b) 80 parking infringements have been issued at Calvary Hospital
- (2) The status of the infringements issued is:

| | Canberra | Calvary |
|--------------------|----------|---------|
| (a) Being reviewed | 3 | 14 |
| (b) Paid | 49 | 21 |
| (c) Not paid | 69 | 41 |

In addition, a total of 42 infringement notices were withdrawn. This comprised 38 from the Canberra Hospital and 4 from Calvary Hospital.

Housing—Residential Tenancies Tribunal (Question No 1394)

Mrs Burke asked the Minister for Housing, upon notice, on 14 November 2006:

How many cases has the Residential Tenancies Tribunal heard that relate to Housing ACT tenants during (a) 2004, (b) 2005 and (c) 2006 to date.

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

Applications made to the Residential Tenancies Tribunal by the Commissioner for Housing are:

- (a) 2004 - 160
 - (b) 2005 - 200
 - (c) 2006 - 270 to date
-

**Rape Crisis Centre—funding
(Question No 1395)**

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

- (1) Does the ACT Government provide any funding to the Canberra Rape Crisis Centre; if so, what has been the amount of funds provided to the Centre in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06;
- (2) What funding will be provided to the Centre during 2006-07;
- (3) Does the ACT Government provide any other resources to the Rape Crisis Centre; if so, what are these resources;
- (4) What has been the amount of these resources that have been provided to the Centre for (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06;
- (5) What amount of these resources will be provided to the Centre during 2006-07;
- (6) Have there been any evaluations of the use of these funds or other resources by the Centre since 2001-02; if so, what has been the outcome of these evaluations; if not, why not.

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

- (1) Yes. Details can be found in the following Annual Reports:
 - (a) Department of Health and Community Care and Department of Education and Community Services
 - (b) Department of Health and Community Care and Department of Disability, Housing and Community Services
 - (c) ACT Health and Department of Disability, Housing and Community Services
 - (d) ACT Health and Department of Disability, Housing and Community Services
 - (e) ACT Health and Department of Disability, Housing and Community Services
- (2) \$795,550 (GST inclusive)
- (3) The ACT Government provides two residential properties to the Canberra Rape Crisis Centre under the Community Organisation Housing Assistance Program (CORHAP). CCRC also received Community Services Program equipment replacement grants.
- (4) The organisation received funding through the Community Services Program equipment replacement grants.
 - a) 2001-02 Not available
 - b) 2002-03 \$4,500 (GST exclusive)
 - c) 2003-04 \$5,000 (GST exclusive)
 - d) 2004-05 \$2,200 (GST exclusive) and a grant of \$20,000 (GST exclusive) through the Renew Community Infrastructure and Facilities Program refurbishment of furniture for counselling rooms and office space.
 - e) 2005-06 \$2,818 (GST exclusive)

- (5) Grants for 2006-07 are yet to be determined.
 - (6) The grant funds are required to be acquitted and this has been done on an annual basis. There is regular monitoring of output and performance indicators undertaken six monthly, with any issues identified raised with CRCC, along with regular service visits. CRCC also report annually on unmet need.
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**Actively Ageing program
(Question No 1396)**

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 16 November 2006:

- (1) What funds were spent on the Actively Ageing program in (a) 2003-04, (b) 2004-05 and (c) 2005-06;
- (2) What funding will be spent on the Actively Ageing program during 2006-07;
- (3) How many Actively Ageing programs are run each week and at what locations are these programs run;
- (4) How many people are served by or utilise the Actively Ageing program each week.

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

- (1)
 - (a) Nil - the funding service agreement for the program did not commence until 1 July 2004.
 - (b) \$101,750
 - (c) \$124,190
 - (2) \$97,240
 - (3) Programs are run at locations in Hackett, Kippax, Curtin, Weston Creek, Kaleen and Kambah, with an average of 5 classes per week at each location.
 - (4) In 2005/06, the available classes attracted 17,000 participations.
-

**Sport and Recreation ACT
(Question No 1397)**

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 16 November 2006:

- (1) How many staff were employed in Sport and Recreation ACT, or any precursor organisations, as at 30 June in (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04, (e) 2004-05 and (f) 2005-06;
- (2) How many staff were employed in Sport and Recreation ACT as at 31 October 2006;

- (3) If there has been a reduction of staff in Sport and Recreation ACT, has this been achieved through (a) resignation, (b) redundancy and/or (c) relocation;
- (4) Have any functions previously performed by Sport and Recreation ACT been abandoned or passed to another part of the ACT Government; if so, what functions have been affected and what has been the impact on the ACT community.

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

- (1)
 - (a) 39
 - (b) 34
 - (c) 36
 - (d) 35
 - (e) 39
 - (f) 38
 - (2) 35
 - (3) Between 1 July 2006 and 31 October 2006:
 - (a) 1
 - (b) 2
 - (c) Nil
 - (4) Since 1 July 2006:
 - (a) Responsibility for managing Manuka Oval and Phillip Oval passed to Territory and Municipal Services, Territory Venues and Events unit.
 - (b) This transfer has had no impact.
-

Sport—teams funding (Question No 1398)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 16 November 2006:

- (1) How many national teams currently receive funding under the National League Team Program;
- (2) What level of funding was allocated, under the National League Team Program, to teams participating in national programs in (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04, (e) 2004-05 and (f) 2005-06;
- (3) Will funding for the National League Team Program be reduced in 2006-07; if so, by how much will funding be reduced and which national teams will have their funding reduced and why.

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

- 1. In 2006 (2005/06 Budget allocation), 15 teams received funding from the National League Team Program.

2. (a) 2000/01 – N/A. The National League Team Program was transferred to sport and recreation in November 2001, having been previously administered by Business ACT with a value of \$600,000.
- (b) 2001/02 - \$600,000
- (c) 2002/03 - \$570,000
- (d) 2003/04 - \$570,000
- (e) 2004/05 - \$570,000
- (f) 2005/06 - \$569,994
3. Funding in 2007 will be reduced to \$460,000.

Table 2 below shows next year's funding allocations. The Canberra Strikers, Canberra Lakers, the Canberra Dolphins (women), Canberra Heat (men and women) and the Canberra Cockatoos (men and women) have each had their funding allocation from the program reduced from the previous year.

The ACT Brumbies, Canberra Raiders and Canberra Capitals maintained the level of program funding as compared to the previous year while the Canberra Gunners, the ACT Comets and the Canberra Knights received increased levels of program funding as compared to 2005/06.

These funding levels were developed through extensive consultation with all NLTP recipients. Several recipients formed a working group which was tasked with developing a tiered model to achieve equitable and transparent distribution of the NLTP resources. The use of this tiered model has received widespread support from NLTP stakeholders.

Table 2: 2006/07 NLTP recommendations

| Tier | Team | 2006/07 |
|--------------|---|------------------|
| 1 | ACT Brumbies (men's rugby union) | \$100,000 |
| | Canberra Raiders (men's rugby league) | \$100,000 |
| | Canberra Capitals (women's basketball) | \$100,000 |
| 2 | Canberra Strikers (women's hockey) | \$31,000 |
| | Canberra Lakers (men's hockey) | \$31,000 |
| | Canberra Gunners (men's basketball) | \$31,000 |
| 3 | ACT Comets (men's cricket) | \$16,000 |
| | Canberra Knights (men's ice hockey) | \$16,000 |
| 4 | Canberra Dolphins (women's water polo) | \$7,000 |
| | Canberra Heat (men's volleyball) | \$7,000 |
| | Canberra Heat (women's volleyball) | \$7,000 |
| | Canberra Cockatoos (men's orienteering) | \$7,000 |
| | Canberra Cockatoos (women's orienteering) | \$7,000 |
| TOTAL | | \$460,000 |

Sport—organisations funding (Question No 1399)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 16 November 2006:

- (1) What level of funding was allocated under the (a) triennial and (b) annual grants scheme to grants for sporting organisations in (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04, (e) 2004-05 and (f) 2005-06;
- (2) What level of funding will be allocated under the (a) triennial and (b) annual grants schemes for 2006-07.

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

| | | |
|-----|-----------|-------------|
| 1. | | |
| (a) | Triennial | \$825,179 |
| | Annual | \$231,800 |
| (b) | Triennial | \$1,155,000 |
| | Annual | \$186,550 |
| (c) | Triennial | \$1,081,000 |
| | Annual | \$107,000 |
| (d) | Triennial | \$1,108,000 |
| | Annual | \$167,500 |
| (e) | Triennial | \$1,152,000 |
| | Annual | \$98,000 |
| (f) | Triennial | \$1,112,000 |
| | Annual | \$123,500 |

2. The level of funding has not yet been allocated under the triennial and annual grants schemes for the calendar year 2007 as the grants assessment process has not been completed.

Sport—ovals (Question No 1400)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 16 November 2006:

- (1) How many ovals in the ACT are (a) full and (b) low maintenance ovals;
- (2) How many (a) full and (b) low maintenance ovals have there been in each year since 2000;
- (3) Will any of the ovals that are currently on full maintenance be reduced to low maintenance in 2006-07; if so, which ovals will have reduced maintenance applied to them and when will this action be implemented;
- (4) Will any of the ovals that are currently on low maintenance be returned to full maintenance in 2006-07; if so, which ovals will be returned to full maintenance and when will this occur;
- (5) If no ovals are being returned to full maintenance during 2006-07, why not.

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

- (1) There are 83 ovals in the ACT that are under full maintenance. There are 14 that are low maintenance (now categorised as Informal Use Ovals).

- (2) Since 2000 the number of full maintenance ovals has remained at 84, reducing to 83 with the 2002 acquisition of Phillip Oval (Football Park) and the subsequent transfer to the Stadiums Authority. The number of low maintenance ovals changed from 15 to 14 in 2005 with the Calwell West Neighbourhood Oval being sub-leased to the Eastlake Football Club, and subsequently reinstated.
- (3) No.
- (4) No.
- (5) In most cases, demand for formal use of these grounds is very low.

Civic Pool dome (Question No 1401)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 16 November 2006:

- (1) What was the cost of maintaining the dome at the Civic Pool in (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04, (e) 2004-05 and (f) 2005-06;
- (2) What amount was spent on all other maintenance activities at the Civic Pool in (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04, (e) 2004-05 and (f) 2005-06;
- (3) What planning, if any, is underway to replace the fabric dome at the Civic Pool;
- (4) Has a feasibility study been undertaken involving either the repair or replacement of the dome; if so, when and what were the recommendations from this study.

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

- (1) No specific records are, or have been, maintained for expenditure on the dome.
- (2) Under the management contract, the contractor is responsible for some repairs and maintenance while the ACT Government is responsible for other components. Some records for repairs and maintenance at Canberra Olympic Pool over recent years are not able to be determined.

On that basis, the following shows known expenditures.

| | 2000-01 | 2001-02 | 2002-03 | 2004-04 | 2004-05 | 2005-06 |
|------------|---------------|---------------|---------------|---------------|---------|---------|
| Contractor | 48,575 | 54,566 | 53,332 | 73,420 | 56,424 | 90,258 |
| ACT Govt | Not available | Not available | Not available | Not available | 30,670 | 105,299 |
| TOTAL | 48,575 | 54,566 | 53,332 | 73,420 | 87,094 | 195,557 |

- (3) and (4) A detailed feasibility study was undertaken in 2001 to investigate the replacement of the air support dome with a permanent enclosure, along with other refurbishment and enhancement works on the Canberra Olympic Pool complex.

The study presented four alternative proposals, ranging from a relatively minor refurbishment of the existing structure, through to a full permanent enclosure, including the diving tower. The recommended alternative consisted of an enclosure structure over the main 50 metre pool and the toddlers' pool, with refurbished and enhanced facilities and amenities for users and staff. The diving pool was not to be included in the recommended alternative due to the high additional cost of this component.

Kids at Play (Question No 1402)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 16 November 2006:

- (1) How many schools and other organisations has Kids at Play visited since the inception of this program;
- (2) Have there been any changes made to the way in which the Kids at Play resources are scheduled and utilised; if so, what changes have been made and why;
- (3) How many profile vans (a) were available for use by Kids at Play when the program started and (b) are currently available for use by Kids at Play;
- (4) For what proportion of the time available to these vans are they used in Kids at Play;
- (5) What use, if any, is made of these vans when they are not being used for Kids at Play;
- (6) Have the profile vans been purchased or leased for the Kids at Play program;
- (7) If the vans have been leased, for how long do the leases have to run.

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

(1)

| | Holiday Care Program | After School Care Centres | Community | Playgroup | TOTAL |
|-------------------------------------|----------------------|---------------------------|-----------|-----------|---------------|
| Number of Participants ¹ | 3,291 | 9,913 | 32,596 | 2,217 | 46,665 |
| Number of Sessions | 101 | 489 | 163 | 55 | 799 |

¹ Where the Holiday Care Program has not provided participant numbers, an average 30 participants has been included. Where Community event session participants are not known due to the difficulty in attaining participation numbers, it is estimated at 100 participants per session.

- (2) The Kids at Play program has a new primary focus on the early childhood sector and selected community events. This narrowed focus was necessary in order to ensure the future sustainability of the program.

(3)

- (a) 2
- (b) 4

- (4) In 2006 (to date) the vans have been used 32% of the time available.
 - (5) The vans are not used for any other purpose.
 - (6) All vans have been leased.
 - (7) Van 211 473 - lease expires 29 September 2007
Van 211 474 - lease expires 16 September 2007
Van 212 196 - lease expires 19 September 2008
Van 212 197 - lease expires 16 October 2008
-

**Public service—annual reports
(Question No 1403)**

Dr Foskey asked the Chief Minister, upon notice, on 21 November 2006:

- (1) In relation to the Annual Report Directions, why were ACT Government departments and agencies not required to list the grants provided to community sector organisations;
- (2) Why were ACT Government departments and agencies not required to list the Committees and Councils operating under the Government.

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

As part of the 2006/07 budget, the Government determined to streamline annual reporting requirements for the ACT public sector. An Annual Reports Bill is currently being drafted and is expected to be introduced to the Assembly in early 2007 incorporating these principles.

The 2006 Annual Report Directions were developed in consultation with agencies with the intention to streamline further reporting requirements without a reduction in accountability.

In line with this intention, all non-legislative reporting requirements were removed from the 2006 Annual Report Directions appendices. There was no legislative requirement for ACT Government departments and agencies to list the grants provided to community sector organisations; nor were they required to list the Committees and Councils operating under the Government.

In accordance with the *Annual Reports (Government Agencies) Act 2004*, the Draft 2005-06 Annual Report Directions were provided to the Public Accounts Committee for consultation and the Committee's comments were considered in finalising the 2005-06 Directions.

Furthermore, in the 2006/07 budget the Government announced that a GrantLink portal will be established to improve access to information about grants.

It should be noted that information about ACT Government departments and agencies funding of grants is currently available on respective agency websites.

**Cigarettes and tobacco—government funds
(Question No 1404)**

Dr Foskey asked the Treasurer, upon notice, on 21 November 2006 (*redirected to the Acting Treasurer*):

- (1) Can the Treasurer provide an assurance that no ACT Government funds are invested in tobacco companies or companies that conduct tobacco related activities;
- (2) If the ACT Government does have any investment in tobacco companies or companies that conduct tobacco related activities, what companies are they, and what level of ACT Government funds are invested in them.

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

- (1) All decisions on arrangements for the investment of ACT Government funds are made, deliverately, at arms length from Government, through the appointment of appropriate funds managers. That said, the Territory currently holds direct investments, through its funds managers, in three companies involved in tobacco related activities.

In addition a significant portion of the Territory's investments is held in units in an indexed fund, where portfolios are designed to replicate the returns of an entire national or international equity market. Because tobacco companies make up part of the overall market, the Territory may indirectly have funds invested in those companies through its index investments.

- (2) As of time of preparation of this advice, the Territory had funds of approximately \$9.0 million directly invested with organisations under the industry classification of 'Tobacco', in three overseas listed companies.

The three listed companies are:

- Altria Group
- Japan Tobacco
- Swedish Match

**Kambah—mobile phone tower
(Question No 1405)**

Dr Foskey asked the Minister for Planning, upon notice, on 21 November 2006:

- (1) Who conducted the survey for the installation of the 3G mobile phone tower in Kambah;
- (2) Who paid for the survey;
- (3) Who in the ACT Government reviewed the results of the study and subsequent recommendations;
- (4) What qualifications did that person have;
- (5) Is the ACT Government convinced that the conduct of the survey was impartial;

- (6) What were the factors that uniquely make this site better than the alternatives.

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

- (1) Telstra's in-house team of qualified surveyors undertook the initial site survey and this survey was validated by an ACT Registered surveyor Mr Gary Medway in March 2006.
- (2) Telstra paid for the survey.
- (3) The ACT Planning and Land Authority assessed the application. This assessment was supplemented with input from ACT Health and an independent emissions expert Mr Owen Duffy, engaged by the Authority to assist in assessment of the technical, non-planning related, matters in the application.
- (4) Mr Duffy has numerous tertiary level specialist electrical engineering qualifications.
- (5) Yes.
- (6) The site selection process and deployment of mobile telecommunications infrastructure was determined by the carrier, with consideration given to factors such as the current network configuration, the intended coverage, community sensitive location and permissible land uses in the Territory Plan.

**Education and Training, Department—new site
(Question No 1407)**

Dr Foskey asked the Minister for Education and Training, upon notice, on 21 November 2006:

- (1) What is the intended new site for the Department of Education;
- (2) What is the planned timeline for the move;
- (3) Why is the Department moving;
- (4) What is the estimated cost to the ACT Government for this move.

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

- (1) Under the recently agreed Whole-of-Government Office Accommodation Strategy, the central office of the Department of Education and Training will be moving to 220 Northbourne Avenue, Braddon and Macarthur House, Lyneham.
 - (2) At this stage it is difficult to be specific about the time of the move as this is dependent on the moves of other agencies as part of the overall strategy. It is expected, however, that the move to 220 Northbourne Avenue could begin in March/April 2007.
 - (3) Refer to question 1 above.
 - (4) The question of the costs for these moves is presently under discussion between the Department, Treasury and the Property Group, TaMS, in the context of the overall budget for the strategy.
-

ArtsACT—funding (Question No 1408)

Mr Mulcahy asked the Minister for the Arts, upon notice, on 21 November 2006:

Could the Minister provide a list of the unsuccessful applicants for ArtsACT funding over the last two years, including the (a) name of each organisation and (b) amount of funding requested by each organisation.

Mr Stanhope: In response to the member's question, I provide a list of unsuccessful applicants for the years 2005 (Attachment A) and 2006 (Attachment B).

In providing this information, I also take this opportunity to note that the ACT Arts Fund is one of the main ways the ACT Government supports arts activities for the benefit of the whole ACT community. The Fund contributes to the ACT Government's commitment of ensuring the ACT continues to be rich in arts activities and experiences that creatively engage, challenge and inspire the community.

Peer assessment is critical to arts funding in the ACT. The ACT Cultural Council assesses all applications. For most funding categories, the Council establishes peer panels, comprising highly regarded experts in their fields. The Council assesses all other categories directly. Each application is assessed against the assessment criteria and ranked comparatively with other applications received. Applications are selected on their merit and which best address the Fund's selection criteria.

The ACT Arts Fund assessment process is highly competitive and all unsuccessful applicants to the Fund have the opportunity to receive feedback on their applications through artsACT. Those who take up this opportunity find it helpful in terms of preparing subsequent applications.

I also wish to convey my appreciation of those who take the time to apply to the ACT Arts Fund, regardless of whether they are ultimately successful or not.

ATTACHMENT A

UNSUCCESSFUL APPLICANTS 2005 PROJECT FUNDING AND EMERGING ARTIST/S CATEGORIES

| APPLICANT | AMOUNT REQUESTED |
|---|------------------|
| A Chorus of Women | \$8,005 |
| Acacia Rose Media | \$19,400 |
| Acacia Rose Media | \$53,296 |
| ACT Region Playwrights Group | \$12,875 |
| Amesbury, Avi | \$5,636 |
| Anderson, Matthew | \$6,008 |
| Anna Hueneker | \$49,286 |
| Annie & The Armadillos | \$5,000 |
| ArtSound Inc | \$96,000 |
| Arundel, Leith Sunshine | \$9,026 |
| Australian Script Centre | \$2,000 |
| Australian Songwriters Association - ACT Branch | \$7,300 |
| Bailey, Ed | \$9,736 |
| Baker, Vanessa | \$5,236 |
| Barbalet, Margaret | \$10,000 |
| Bayada, Kylie | \$13,125 |
| Best, Jackey | \$11,000 |

| APPLICANT | AMOUNT REQUESTED |
|--------------------------------------|------------------|
| Bitmead, Peter | \$21,708 |
| Blakely-Game, William | \$5,360 |
| BMA magazine | \$65,424 |
| Bourke, Anne | \$9,493 |
| Brown, Phillip | \$8,380 |
| Burness, Elizabeth | \$6,660 |
| By George Studios | \$5,260 |
| Cain, Jessica | \$5,000 |
| Canberra Botanical | \$10,000 |
| Canberra Dance Theatre Inc | \$17,731 |
| Channells, Philip | \$7,485 |
| Common Ground Exhibitions & Research | \$2,311 |
| Community Radio 2XX Inc | \$24,000 |
| Concannon, John | \$9,525 |
| Corr Blimey 'absolute madness' | \$3,500 |
| Cove, Michael | \$13,750 |
| Craemer, Raoul | \$12,500 |
| Crisp, Leeanne | \$10,000 |
| Curran, Marji | \$8,589 |
| Cyberfire | \$13,354 |
| DADA-ACT Inc | \$9,000 |
| Davy, Linda | \$10,000 |
| Dawson, Craig | \$3,147 |
| Dixon, James | \$16,000 |
| Doecke, Melissa | \$3,290 |
| Dubba Rukki | \$5,169 |
| Earthly Delights | \$13,000 |
| Einspruch, Andrew | \$7,000 |
| Elliott, Glenn | \$4,400 |
| Elliott, Judi | \$10,098 |
| Engel, Elisabet | \$5,119 |
| Findlay, Gavin | \$8,000 |
| Firth, Dianne | \$8,867 |
| Fred Smith and the Musicians | \$7,000 |
| Funk Shui | \$5,342 |
| Galiazzo, Cecile | \$1,085 |
| Goat Records Australia | \$6,909 |
| Golden Fleece Australia | \$22,639 |
| Gregory, Hamish | \$5,620 |
| Hanley, Penelope | \$5,500 |
| Hanson, Donna | \$18,000 |
| Hanson, Joseph | \$6,419 |
| Hardy, Bernard Ward | \$6,567 |
| Harris, Susan | \$7,487 |
| Herbert, Elanna | \$1,620 |
| Hole, Adam Bernard | \$7,089 |
| Hoogendoorn, Bruce | \$5,000 |
| Howes, Sally Anne | \$13,561 |
| James, Frances | \$960 |
| Juddery, Mark (1) | \$4,190 |
| Juddery, Mark (2) | \$4,190 |
| Kennedy, Beth | \$9,897 |
| LaMarche-Sarvia, Daniele | \$18,451 |
| Langton, Lewis | \$4,945 |
| Latin America Alive Inc | \$29,635 |
| Laughing Owl Productions Pty Ltd | \$10,600 |

| APPLICANT | AMOUNT REQUESTED |
|---|------------------|
| Leiba, Anthony Reginald | \$9,050 |
| Loadedog Enterprises | \$6,512 |
| Loose Connections | \$41,800 |
| Maberley, Simon | \$1,420 |
| Machitun | \$9,512 |
| Mackey, Clare | \$5,000 |
| Mahajan, Payal Sehgal | \$9,750 |
| Manning Clark House Incorporated | \$2,000 |
| Martin, Ruth | \$5,025 |
| Martiniello, Jennifer | \$10,660 |
| McInnes, Kerry | \$7,715 |
| Meatbee | \$19,200 |
| Mico, Domenic | \$22,687 |
| Morrow, Wendy | \$28,460 |
| Moss, Suzanne | \$8,884 |
| Mouat, Sergio | \$3,791 |
| Mount Taylor Estate Residents Association | \$24,000 |
| MultiFocus | \$22,205 |
| Munro, Alison | \$6,160 |
| Murphy, Lizz | \$8,000 |
| Nineteenth Hole Productions | \$3,300 |
| Onutchenko, Ariadna (1) | \$9,068 |
| Onutchenko, Ariadna (2) | \$9,068 |
| Osborne, Rose | \$37,532 |
| Pan Event Entertainment | \$1,500 |
| Parent Support Service Inc | \$9,577 |
| Parker, Nitya | \$7,366 |
| Pereira, David | \$8,716 |
| Programmer Pty Ltd | \$1,960 |
| Ramsey, Simon Scott | \$6,500 |
| Robinson, Barbie | \$8,564 |
| Robinson, Peter | \$10,000 |
| Ryan, Luna | \$10,370 |
| Serenade | \$5,500 |
| Shadow House Pits | \$19,000 |
| Sharpe, John | \$10,554 |
| Shaw, Chrissie | \$30,470 |
| Shortis and Simpson Pty Ltd | \$19,000 |
| Silicon Spies | \$35,000 |
| Simone & the Soothsayers | \$5,843 |
| Sindablok | \$19,716 |
| Sirr, Margot | \$5,488 |
| Smartie Productions | \$15,000 |
| Smith, Gordon Barry | \$15,889 |
| Spencer, Merryn | \$6,500 |
| Stopera Inc | \$50,000 |
| The Henchmen | \$27,400 |
| Tiernan, Helen | \$5,172 |
| Troupe Dart | \$20,000 |
| Turner, Sonia | \$10,900 |
| Williams, Wayne | \$5,060 |
| Willsford, Anne | \$12,000 |
| Wilson, David | \$1,500 |

ATTACHMENT B

UNSUCCESSFUL APPLICANTS

2006 PROJECT, EMERGING ARTIST/S, AND MULTIYEAR CATEGORIES

| APPLICANT | AMOUNT REQUESTED |
|---|------------------|
| 2006 Year of Exchange Exhibition Organising Committee | \$9,989 |
| 5th Column Magazine | \$20,000 |
| Abbott, Mathew | \$4,169 |
| Accellerator films | \$19,086 |
| After Party Productions | \$4,220 |
| Alma Latina | \$9,735 |
| Antifish | \$5,500 |
| Applause ACT | \$7,950 |
| Aslanides, Timoshenko | \$7,739 |
| Austin, Mark (1) | \$7,461 |
| Austin, Mark (2) | \$5,550 |
| Australian National Capital Artists (ANCA) | \$26,220 |
| Australian National Playwrights Centre | \$12,016 |
| Australian Youth Talent Week | \$19,432 |
| Ayres, Janine | \$19,998 |
| Bagdonas, Gene | \$7,000 |
| Baldwin, Richard | \$9,996 |
| Barancewicz, Belinda | \$31,340 |
| Bear, Leanne | \$10,852 |
| Benson, Tracey | \$10,000 |
| Blakeley-Game, William | \$4,200 |
| Blinston, Roy | \$120,000 |
| Brown, Phillip | \$5,000 |
| Burt, Catherine | \$5,000 |
| By George Studios | \$33,280 |
| Canberra Area Theatre (CAT) Awards | \$16,000 |
| Canberra Dance Theatre | \$7,584 |
| Canberra Environment & Sustainability Resource Centre | \$12,000 |
| Canberra Jazz Festival | \$18,000 |
| Canberra Multi Arts | \$47,955 |
| CentaCare Canberra & Goulburn | \$41,886 |
| Cockburn, Cobi | \$6,362 |
| Community Radio 2XX | \$6,746 |
| Cove, Michael | \$5,500 |
| Craemer, Raoul (1) | \$3,500 |
| Craemer, Raoul (2) | \$5,500 |
| Crisp, Leeanne | \$10,000 |
| Curran, Marji | \$21,445 |
| Dahahoo | \$8,503 |
| Dahl, Melita | \$18,288 |
| Davy Linda and Soraya Takalou | \$20,000 |
| Dawson, Craig | \$2,953 |
| Deshantoree Ethnic Filming Group | \$35,000 |
| Drummond, Rozalind | \$10,000 |
| Dyson, Clare | \$44,700 |
| Eisteddfod Society (multiyear funding) | \$63,163 |
| Ellis, Matthew | \$27,432 |
| Enlightning Productions | \$70,000 |
| Farquhar, Robert | \$20,000 |
| Farrell Kirsten | \$8,000 |
| Fashion, Flair and Fantasy | \$21,763 |

| APPLICANT | AMOUNT REQUESTED |
|---|------------------|
| Fisher, Kathleen | \$8,696 |
| Fowler, Lesley | \$10,000 |
| Frith, John | \$29,772 |
| Geier, Fiete | \$9,979 |
| Georgeson, Joy | \$7,000 |
| Gorman, Claire | \$10,092 |
| Guilfoyle, Robert | \$30,355 |
| Haga, Akie | \$8,692 |
| Hague, Sarah | \$5,149 |
| Hay, Paul | \$13,320 |
| Heywood, Gabrielle | \$5,900 |
| Hinton, Fiona | \$9,328 |
| Holloway, Barbara | \$11,805 |
| Hueneker, Anna | \$27,140 |
| Hugonnet Jas | \$6,530 |
| Hungerford, Brian | \$16,107 |
| Hutchison, Anthony | \$9,600 |
| Indigenous Textile Artist Groups | \$21,924 |
| Isaac, Frances | \$12,894 |
| Jai-Morincome, Morgan | \$11,995 |
| James, Frances Mary | \$16,608 |
| Judge, Hal | \$18,600 |
| Kavunenko, Andrew | \$8,779 |
| Kituai, Kathy | \$4,915 |
| Latin America Alive | \$13,460 |
| Latin America Alive | \$25,348 |
| Laughing Owl Productions (1) | \$4,546 |
| Laughing Owl Productions (2) | \$10,000 |
| Lee, Richard | \$6,478 |
| Legge-Wilkinson, Margaret | \$12,600 |
| Looking Glass | \$6,000 |
| Mackinlay, Dan | \$7,500 |
| Macquarie Trio Australia | \$20,000 |
| Make Me An Instrument | \$12,284 |
| Malone, Gareth | \$1,895 |
| Mann, Adam | \$19,162 |
| Marsack, Peter | \$53,170 |
| Martin, Ruth | \$9,371 |
| Maruki Inc | \$16,500 |
| May Gibbs Children's Literature Trust (multiyear funding) | \$35,000 |
| McClung, Julian | \$16,000 |
| McDonald, Joy | \$9,235 |
| Meaney, Janet | \$6,700 |
| Memorandum | \$20,601 |
| Merry Muse (multiyear funding) | \$54,000 |
| Metcalf, Timothy | \$11,900 |
| Mirbakhtyar, Shahla | \$14,327 |
| Moneyshot 101 | \$7,125 |
| Moran, Helen | \$9,435 |
| Moss, Suzanne | \$14,312 |
| Murphy, Lizz | \$5,040 |
| Muse Inc (multiyear funding) | \$120,000 |
| MusicACT | \$35,000 |
| Nissen, Lars | \$14,500 |
| O'Brien, Sarah | \$20,225 |

| APPLICANT | AMOUNT REQUESTED |
|--|------------------|
| One Night Jam | \$9,775 |
| O'Neill, Mathieu | \$8,700 |
| Page Geoff | \$5,267 |
| Palangi, Nasser | \$11,950 |
| Parker, Shane | \$5,995 |
| Phelps, Benjamin | \$33,860 |
| Pintado Productions | \$15,870 |
| Powell, Andrew | \$2,900 |
| Rae, Judith | \$4,768 |
| Randall Blair & the Wedded Bliss | \$10,355 |
| Robertson, Kel | \$3,352 |
| Rondanihan | \$14,430 |
| Savage, Charles | \$9,946 |
| Shortis and Simpson | \$34,000 |
| Siebel, Ivan | \$14,370 |
| Simon, Ross | \$12,036 |
| Sjostedt, Arne | \$6,015 |
| Slant Drilling | \$18,000 |
| Smith, Gary | \$14,380 |
| Smith, Gordon | \$15,290 |
| Smith, Renee | \$10,755 |
| Static Empire | \$11,315 |
| Strahan, Karen | \$18,800 |
| Stuart, Amanda | \$2,287 |
| Sutcliffe, Karen | \$8,024 |
| Teakel, Wendy | \$11,424 |
| Team Truckstar | \$10,715 |
| Tensue | \$11,283 |
| The Australian Film Institute | \$19,700 |
| The Corgi Crisis | \$8,875 |
| The Front Studio & Gallery | \$4,424 |
| The O'Hooligans | \$10,141 |
| The Variodivers | \$23,768 |
| Tongue and Groove | \$8,980 |
| Troupe Dart | \$19,919 |
| Tugpindulayaw Theatre | \$31,945 |
| Tully's Entertainment | \$77,045 |
| Using Three Words | \$13,623 |
| Vigo, Amy | \$5,860 |
| Voorehoeve, Alex | \$25,000 |
| Wade, Allan | \$35,000 |
| Warehouse Circus (multiyear funding) | \$107,000 |
| Weereewa Festival of Lake George Committee | \$3,494 |
| Weston-Scheuber, Kylie | \$1,970 |
| Wills, David | \$8,568 |
| Winters, Michael | \$23,634 |
| Women on a Shoestring Theatre Company | \$79,129 |
| Young, Clare | \$30,607 |
| Zariv, Farideh | \$15,160 |

Arts and letters—funding (Question No 1409)

Mr Mulcahy asked the Minister for the Arts, upon notice, on 21 November 2006:

Could the Minister provide a list of the unsuccessful applicants for the 2007 ACT Arts Fund's Project Funding category, including the (a) name of each organisation and (b) amount of funding requested by each organisation.

Mr Stanhope: In response to the member's question, I provide a list of unsuccessful applicants for 2007.

As I noted in response to Question 1408, the ACT Arts Fund is one of the main ways the ACT Government supports arts activities for the benefit of the whole ACT community. The Fund contributes to the ACT Government's commitment of ensuring the ACT continues to be rich in arts activities and experiences that creatively engage, challenge and inspire the community.

Peer assessment is critical to arts funding in the ACT. The ACT Cultural Council assesses all applications. For most funding categories, the Council establishes peer panels, comprising highly regarded experts in their fields. The Council assesses all other categories directly. Each application is assessed against the assessment criteria and ranked comparatively with other applications received. Applications are selected on their merit and which best address the Fund's selection criteria.

The ACT Arts Fund assessment process is highly competitive and all unsuccessful applicants to the Fund have the opportunity to receive feedback on their applications through artsACT. Those who take up this opportunity find it helpful in terms of preparing subsequent applications.

I also wish to convey my appreciation of those who take the time to apply to the ACT Arts Fund, regardless of whether they are ultimately successful or not.

UNSUCCESSFUL APPLICANTS 2007 PROJECT AND COMMUNITY ARTS CATEGORIES

| APPLICANT | AMOUNT REQUESTED |
|---|------------------|
| Aberrant Theatre | \$49,239 |
| ACT DJ School | \$7,976 |
| Alma Latina | \$5,808 |
| Amenomori Schmeisser, Keiko | \$9,439 |
| Ana al Mar'aa Belly Dance Troupe | \$16,200 |
| ANU Film Group | \$15,180 |
| Araluen Productions | \$22,900 |
| Art Shed, The | \$15,000 |
| Australasian Bangalee Council | \$40,000 |
| Australian National Playwrights' Centre | \$6,776 |
| Australian Script Centre, The | \$4,940 |
| Australian Talented Youth Project | \$19,432 |
| Baker, Alisha (Isha Bae) | \$4,512 |
| Banks, Julian | \$13,160 |
| Battye, Andrew | \$4,749 |
| Bear, Leanne | \$11,180 |
| Bent Lenses | \$10,000 |
| Bevitt, Timothy | \$9,560 |

| APPLICANT | AMOUNT REQUESTED |
|---|------------------|
| Blakeley-Game, William | \$8,000 |
| Blunden, Camilla Laura | \$18,694 |
| Boyd-Goggin, Debra | \$13,070 |
| Bracken, Carol | \$3,681 |
| Brisk | \$35,668 |
| Britten, Andrew Robert | \$14,143 |
| Burness, Elizabeth | \$2,000 |
| Burrunju Aboriginal Corporation | \$6,580 |
| Burt, Catherine | \$3,800 |
| Campbell and Schindler | \$14,900 |
| Canberra Area Theatre Awards (CAT Awards) | \$30,000 |
| Canberra Blues Society | \$6,270 |
| Cardboard Charlie | \$34,591 |
| Cashews | \$9,254 |
| Champagne & Peanuts | \$9,915 |
| Child Players ACT | \$7,808 |
| Clingan, Judith | \$10,000 |
| Close, Andrea | \$9,072 |
| Comhaltas Ceoltoiri Eireann | \$2,000 |
| Common Ground Exhibitions and Research | \$4,074 |
| Community Radio 2XX | \$8,371 |
| Copeman, Peter | \$11,500 |
| Corroboree College | \$3,500 |
| Couch, John | \$13,848 |
| Craemer, Raoul | \$1,200 |
| Craft Australia | \$16,000 |
| Cresswell, Jo | \$8,997 |
| Crisp, Leeanne | \$15,000 |
| Cuffe, John | \$11,975 |
| Curious Fate | \$10,114 |
| Dance and Aerial Studios Pty Ltd (DnA) | \$22,226 |
| Daughtry, Edwin (Aubergine Productions) | \$20,000 |
| Davie, Bruce | \$17,280 |
| Dawson, Craig | \$3,865 |
| Delatovic, Nicholas | \$7,200 |
| Dietz, Tomas | \$10,000 |
| Dominant Seven | \$7,234 |
| Doran, Christian | \$15,000 |
| Drummond, Rozalind | \$15,000 |
| Edwards, Suzanne Gai | \$2,610 |
| Farquhar, Robert | \$20,000 |
| Ferris, Denise | \$10,406 |
| FNI (A) - Film Networking Industry | \$38,160 |
| Gholipour, Ardeshir | \$19,247 |
| Glyn-Daniel, Marya | \$12,500 |
| Hammami, Thouraya | \$7,381 |
| Hancock Basement | \$9,995 |
| Hanson, Joseph Anthony | \$3,966 |
| Hardy, Bernard Ward | \$5,879 |
| Harvey, Dominic | \$17,575 |
| Hay, Paul | \$6,588 |
| Haydn Bande | \$47,179 |
| Henderson, Maryke Manja | \$6,482 |
| Hidden Corners | \$29,825 |
| Holloway, Barbara | \$8,000 |

| APPLICANT | AMOUNT REQUESTED |
|--|------------------|
| Inventive Entertainment | \$15,560 |
| ItaloAustralian Club (ACT) Ltd | \$15,000 |
| Jai-Morincome, Morgan | \$10,385 |
| Jimmy the Cat Productions | \$60,000 |
| Johnson, Lynne Margaret | \$17,420 |
| Jones, Ian Nicholas | \$5,443 |
| Juranek, Jana Lida | \$12,915 |
| Killeen, Fatima | \$5,000 |
| Kirschbaum, Elena | \$10,548 |
| Kuhnen, Johannes | \$22,000 |
| Lawrenz, Eugene | \$4,270 |
| Lloyd, Bailey, Finnigan, Shaw | \$2,461 |
| Lovell, David | \$5,446 |
| Macquarie University - Macquarie Trio Australia | \$15,000 |
| Mansfield, Benjamin | \$4,572 |
| Martin, Marisa | \$18,500 |
| Maruki Community Orchestra | \$25,275 |
| Masoumi, Shima | \$14,378 |
| May Gibbs Children's Literature Trust | \$24,000 |
| McCarthy, Cadi | \$17,653 |
| McCrae, Nigel | \$8,536 |
| McGregor, Alison | \$3,436 |
| Merry Muse | \$61,000 |
| Midnight Hour - Creative Productions | \$13,530 |
| Migrant Resource Centre | \$11,603 |
| Missing Lincolns | \$11,490 |
| Moh Van Wah | \$15,105 |
| Monaro Folk Society | \$2,800 |
| MusicACT | \$19,300 |
| Nicholson, Cassandra | \$5,078 |
| Nineteenth Hole Productions | \$4,000 |
| O'Brien, Jason Scott | \$3,053 |
| O'Brien, Scott | \$12,700 |
| Page, Louise | \$24,525 |
| Paterson, Elizabeth | \$10,900 |
| Phillips, Jennifer Kathleen | \$20,508 |
| Phluxus Dance Collective | \$9,272 |
| Poets Union Inc | \$4,000 |
| Procter, Christine | \$14,000 |
| Radar Media (BMA Magazine) | \$34,204 |
| Randall-Blair & the Wedded Bliss | \$3,440 |
| Red Pictures | \$19,773 |
| Robinson & Best | \$43,353 |
| RPM Pictures | \$18,000 |
| RSCDS Canberra & District Branch | \$11,645 |
| Rude Mechanicals, The | \$5,000 |
| Salut! Baroque | \$20,000 |
| Sawyer, Adrian | \$20,361 |
| Schmeisser, Jorg | \$4,783 |
| Scout Association of Australia (ACT Branch) Inc, The | \$3,367 |
| Scribblers Writing Support Group | \$1,859 |
| Serious Theatre | \$20,600 |
| Sevenonesix Pty Ltd | \$40,000 |
| Shannos and Sparke | \$10,103 |
| Shiny Bum Singers | \$18,000 |

| APPLICANT | AMOUNT REQUESTED |
|-------------------------------|------------------|
| Smith and Scheuerle | \$11,500 |
| Strathnairn Arts Association | \$21,540 |
| Takalou, Soraya | \$12,797 |
| Tango Social Club of Canberra | \$6,350 |
| Telese, Marciano | \$9,000 |
| Theodosiou, George | \$38,382 |
| Timbah | \$17,500 |
| Troupe Dart | \$18,900 |
| Tyson, Rachel | \$11,069 |
| Voronoff, Anna | \$15,034 |

Government—contractors (Question No 1410)

Mr Berry asked the Chief Minister, upon notice, on 23 November 2006 (*redirected to the Acting Chief Minister*):

In relation to consultants, contractors and labour hire firms for the financial year 2005-2006, could the Minister provide for each portfolio they are responsible for the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2006, (i) numbers of each type of contract used, for example, standard, schedule of fees, quote/lump sum, invoice and other, (j) number of services outsourced (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with a permission or non permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

Information on contracts for works and services, including consultancy type contracts, is publicly available in departmental annual reports and on the ACT Government Contracts Register on the Buyers and Sellers Information (basis) website (www.basis.act.gov.au).

In accordance with the *Chief Minister's Annual Report Directions 2005-2006*, annual report entries provide information on individual contracts which exceed \$20,000; and smaller contracts awarded to the same contractor which, in total, exceed \$20,000. Information reported includes for each contract (or group of contracts) a description and reason for contract; the total expenditure (GST exclusive) in the financial year; the date contract let; and reason for use of select tender procurement process, if applicable, for contracts of value greater than \$100,000.

As required by the *Government Procurement Act 2001*, the Contracts Register provides information on contracts with a total consideration of greater than \$50,000, including the parties to the contract; a brief description of what the contract is for; the date the contract was made; the date the contract ends; and the value of the total consideration, or estimated total consideration, for the contract.

While these sources provide comprehensive information on major departmental procurement activities, they do not include information relevant to many parts of the Member's question, and this information is not generally centrally documented in the department.

To respond in detail to each part of the Member's question would require the department to examine in detail all of the contracts contained in the *Chief Minister's Department Annual Report 2005-06* and listed on the Contracts Register. A separate process would also need to be undertaken to check the records of all business units across the portfolio for the relevant information on contracts under the \$20,000 annual report threshold value.

This would be a complicated, time consuming and resource intensive exercise and an unreasonable diversion of departmental resources. For example, the external sources of labour and services section of the *Chief Minister's Department Annual Report 2005-06* contains 105 contract entries and the current Chief Minister's Department Contracts Register entry contains approximately 80 records.

Government—contractors (Question No 1413)

Mr Berry asked the Minister for the Territory and Municipal Services, upon notice, on 23 November 2006:

In relation to consultants, contractors and labour hire firms for the financial year 2005-2006, could the Minister provide for each portfolio they are responsible for the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing extension after 2006, (i) numbers of each type of contract used, for example, standard, schedule of fees, quote/lump sum, invoice and other, (j) number of services outsourced (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with a permission or non permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

- (1) I am not prepared to authorise the considerable resources required to respond to this question.

Government—contractors (Question No 1414)

Mr Berry asked the Minister for Education and Training, upon notice, on 23 November 2006:

In relation to consultants, contractors and labour hire firms for the financial year 2005-2006, could the Minister provide for each portfolio they are responsible for the (a) number of contracts, (b) number of consultants, (c) number of contractors, (d) number of labour hire firms, (e) number of contracts containing labour hire component, (f) number of contracts with no labour hire component, (g) types of services provided, (h) number of contracts needing

extension after 2006, (i) numbers of each type of contract used, for example, standard, schedule of fees, quote/lump sum, invoice and other, (j) number of services outsourced (i) whole, (ii) in part or (iii) unidentified, (k) number of contracts directing appropriate award usage, (l) number of contracts where there is subcontracting occurring, (m) number of contracts with a permission or non permission clause for subcontracting and (n) number of contracts requiring award usage for subcontractors.

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

Please refer to the Annual Reports of the Department of Education and Training (the Department) and the Canberra Institute of Technology (CIT), which include a list of external sources of labour and services.

After careful consideration of the question, and advice provided by the Department and CIT, I have determined that the further information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct program delivery, for the purposes of answering the Member's question.

Christmas craft markets (Question No 1416)

Mr Pratt asked the Minister for the Territory and Municipal Services, upon notice, on 23 November 2006:

- (1) What is the purpose of the TAMS Christmas Craft Markets, advertised in Whole Of Government message no 1115;
- (2) What will the proceeds from these markets be used for;
- (3) How often do these markets occur.

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

1. The Christmas Market was organised to provide staff with the opportunity to get together in an informal setting and network, celebrate Christmas, boost the spirit of staff, provide local crafts people with an opportunity to sell their goods and to raise some money for charity.

The ten stall holders comprised staff, family members and friends. Items sold included seedlings, seeds, jewellery, Christmas cards and decorations, paintings and other miscellaneous craft.

2. Ten percent of the proceeds were given to the children's charity, Barnardos. The remaining proceeds were retained by the stall holders.
 3. Christmas markets are generally held near Christmas.
-

Westfield Belconnen—parking (Question No 1417)

Mr Pratt asked the Minister for the Territory and Municipal Services, upon notice, on 23 November 2006 (*redirected to the Attorney General*):

How many parking infringements have been issued in the car parking areas owned by Westfield Belconnen.

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

708 parking infringement notices have been issued within the Westfield Belconnen parking areas since patrols commenced on 16 August 2006.

Housing ACT—vacant properties (Question No 1418)

Mrs Burke asked the Minister for Housing, upon notice, on 23 November 2006:

- (1) How many properties managed by Housing ACT are vacant as at 23 November 2006;
- (2) What was the average turnaround period for the re-letting of vacant Housing ACT managed properties from January 2006 to date.

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

- (1) As at 23 November 2006 the number of vacant properties was:

| | |
|----------------------------------|-----|
| Redevelopment/Refurbishment/Sale | 216 |
| Properties to be relet | 100 |
| Other | 20 |
| Total | 336 |

- (2) The average turnaround for properties undergoing routine maintenance, re-let from 1 January 2006 to 23 November 2006, was 31 days.

Housing ACT—staff (Question No 1419)

Mrs Burke asked the Minister for Housing, upon notice, on 23 November 2006:

- (1) What has been the rate of staff absenteeism in Housing ACT from January 2006 to date;
- (2) What proportion of any absenteeism has been a result of (a) sick and (b) recreation leave;
- (3) How many actual staff have accessed either (a) sick or (b) recreation leave during the period outlined in part (1).

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

- (1) **The rate of staff absenteeism in Housing ACT from 1 January 2006 to date:**
1037 instances of leave have been recorded.
 - (2) **Proportion of absenteeism as a result of (a) sick and (b) recreation leave since 1 January 2006:**
 - a) Paid and unpaid personal leave is 32.7%.
 - b) Recreation leave is 49.8%.
(The remainder of leave is made up of other categories such as bereavement leave, long service leave, maternity leave and leave without pay).
 - (3) **Number of staff who have accessed either (a) sick or (b) recreation leave since 1 January 2006:**
 - a) 107 staff accessed paid and unpaid personal leave during the period; and
 - b) 178 staff accessed recreation leave (paid annual leave) during the period.
-

**ACT Health—staff
(Question No 1420)**

Mr Smyth asked the Minister for Health, upon notice, on 23 November 2006:

- (1) What is the size of the reduction in staff that will take place in ACT Health;
- (2) Over what period will this reduction be achieved;
- (3) From which areas and functions will staff be lost and what impact will the loss of these staff have on the delivery of services;
- (4) Will any areas and functions gain any staff; if so, which areas and functions.

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

- (1) A majority of the divisions within ACT Health are currently undergoing restructures. Until these processes are finalised including consultation a number cannot be provided.
 - (2) As previously stated the process is underway and once the restructures are completed a timeline will be developed as part of the implementation requirements.
 - (3) The areas and functions being assessed are non clinical and as such that will not impact on service delivery. The goal of the restructures is to not only find savings in line with the 06/07 government budget but to also find effective ways of providing a more efficient delivery of service to our clients.
 - (4) Cannot foresee the outcome of the restructures however changing priorities in service delivery may result in increases of staff in some areas. This is likely to be predominately front line clinical positions.
-

**Health—mental
(Question No 1422)**

Mr Smyth asked the Minister for Health, upon notice, on 23 November 2006:

- (1) How many times has it been necessary to use section 92 of the *Mental Health (Treatment and Care) Act 1994*;
- (2) How many people have been detained through the application of this section;
- (3) What were the specific reasons for the detention of each of these people;
- (4) For those people who were detained (a) where and (b) how long were they detained.

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

- (1) There is no record of section 92 of the Mental Health (Treatment and Care) Act 1994 ever being used.
- (2) There have been no people detained through the application of this section of the Act.
- (3) Not applicable.
- (4) Not applicable.

**Children—protection
(Question No 1423)**

Dr Foskey asked the Minister for Disability and Community Services, upon notice, on 23 November 2006:

Do Child Protection Unit officers ever act in contravention to custodial decisions made by the courts; if so, (a) how many times has this occurred since 1 July 2005 and (b) what is the general reason for such actions being taken.

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

- (a) There are occasions when Care and Protection Services will make an application for a Care and Protection Order that will then supersede a Family Law Order. Care and Protection Services do not keep statistics of the number of cases where this has occurred.
- (b) A Family Law Order does not in any way indicate that the Family Court has considered and made a decision on care and protection issues. The vast majority of Family Court orders are made by consent without any consideration of who is the better parent or other issues by the court.

The *Family Law Act 1975* has a provision, section 69ZK, which specifically provides that Family Law Orders do not effect the jurisdiction of a court, or power of an authority under a child welfare law. This means that child protection action overrides Family Law Orders.

Where The Office for Children Youth and Family Services is aware of current family court proceedings, intervention in those proceedings as an alternative to care and protection proceedings, can occur depending upon the nature of the care and protection concerns.

If a child is removed from one parent and the other parent is willing and able to provide for the care and protection of a child, legally there is little choice but to place the child in the alternate parent's care. Where this occurs the parent is advised that they should take the matter to the family court to vary the family law orders.

On other occasions we will take action, removing children from a parent who has a family law residence order and place the child with the other parent under care and protection orders. Again this is done where the assessment is that the children are at risk with one parent but not the other and is specifically recognised as a possibility under the Family Law Act.

Prisons—educational facilities (Question No 1424)

Dr Foskey asked the Minister for Disability and Community Services, upon notice, on 23 November 2006:

- (1) Was the need for educational facilities fundamental to the design process of the new Quamby centre;
- (2) Were staff of the Department of Education and Training invited to comment on and contribute to the design of the educational facilities; if so, when;
- (3) On what elements of the design was their contribution sought.

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

- (1) Yes.
- (2) Staff of the Hindmarsh Education Centre and Department of Education and Training have been involved in the stakeholder meetings since the inception of the project. They have attended site inspections of other jurisdictions and have provided input to the user requirements brief and made comments on the design at workshops and meetings as the design has evolved. Workshops and meetings with education staff were held December 05, February 06, July 06, August 06 and November 06.
- (3) The focus of their comments has been the education facilities. They have also made comments on location and site planning, access to recreation facilities and relationships with other areas and facilities.

Hospitals—visiting medical officers (Question No 1425)

Mr Smyth asked the Minister for Health, upon notice, on 12 December 2006:

- (1) What is the reason for the reduction in spending on Visiting Medical Officers by ACT Health from \$17 million in 2004-05 to \$16.5 million in 2005-06;
- (2) Why has this reduction occurred when the demands on the ACT's public hospitals have continued to increase.

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

- (1) In 2005-06, ACT Health was successful in employing new staff specialists. Some of these new appointments replaced sessions previously performed VMOs and some were VMOs converting their contract to salaries staff specialist. This had the effect of reducing VMO expenditure whilst increasing Salaries Medical officers' expenditure.
- (2) The demand on the ACT's public hospitals did increase during 2005-06. As noted in (1) above, the net level medical staff available to ACT Health to meet demand increased during 2005-2006.

Calvary Hospital—x-ray facilities (Question No 1426)

Mr Smyth asked the Minister for Health, on 12 December 2006:

Are x-ray facilities available for use by the Emergency Department of Calvary Public Hospital on a 24 hour basis for seven days each week; if not, what action is being taken to enable this service to be provided and when will this capability become available.

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

- (a) Yes.
- (b) Not applicable.

Healthpact (Question No 1427)

Mr Smyth asked the Minister for Health, on 12 December 2006:

- (1) What progress has been made in integrating Healthpact into ACT Health;
- (2) How many staff has Healthpact lost following this process;
- (3) What reduction, if any, has been made to funding available for Healthpact programs, and what impact will any reduction in this funding have on the nature of these programs.

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

- (1) ACT Health now manages the ACT Health Promotion Grants Program through the Population Health Division, Health Improvement Branch (HIB). HIB has established a new section, Health Promotion and Grants, which administers the ACT Health Promotion Grants Program. As a result the former Healthpact is now fully integrated into ACT Health.

- (2) To facilitate the integration of Healthpact functions into ACT Health, the HIB was restructured.

As a result of the restructure, one position was made redundant. This Senior Officer Grade B position's duties were mainly associated with servicing the ACT Health Promotion Authority. With the abolition of the Authority, this position was no longer required.

- (3) While the integration of Healthpact is expected to achieve recurrent administrative savings, none of these savings are to be made from the grants funds themselves. All grants awarded for 2006/07 will be honoured and the 2007/08 Health Promotion Grants funding rounds are proceeding as in previous years.

Hospitals—triage categories (Question No 1429)

Mr Smyth asked the Minister for Health, on 12 December 2006:

- (1) In relation to triage category 1, is the standard of 100 per cent of patients being treated immediately still being met;
- (2) In relation to triage category 2, (a) has there been any improvement in the treatment of patients within 10 minutes from the outcome of 71 per cent achieved in 2005-06 and (b) is the target of 80 per cent for this category still valid;
- (3) In relation to triage category 3, (a) why did the proportion of patients who were treated within 30 minutes fall from 49 per cent in 2004-05 to 44 per cent in 2005-06 and (b) has there been any improvement in 2006-07 in the proportion of patients being treated;
- (4) In relation to triage category 4, (a) why did the proportion of patients who were treated within 60 minutes fall from 51 per cent in 2004-05 to 47 per cent in 2005-06 and (b) has there been any improvement in 2006-07 in the proportion of patients being treated;
- (5) In relation to triage category 5, is the outcome for 2005-06 of 84 per cent of patients being treated within 120 minutes being maintained or improved.

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

- (1) Yes
- (2) (a) Yes. The result for the first quarter of 2006-07 for category two presentations was 79 per cent.

(b) The 80 per cent target is consistent with the target suggested by the Australasian College of Emergency Medicine.
- (3) (a) There was a 17 per cent increase in category three presentations during 2006 07 compared with 2005-06.

(b) Yes. ACT Hospitals reported an on-time rate of 48 per cent for the first quarter of 2006 07

- (4) (a) There was a 12 per cent increase in category four presentations during 2006-07 compared with 2005-06.
 - (b) Yes. ACT Hospitals reported an on-time rate of 49 per cent for the first quarter of 2006 07
 - (5) The result for the first quarter of 2006-07 was 82 per cent seen within standard timeframes.
-

**Hospitals—ambulance-off-stretcher times
(Question No 1430)**

Mr Smyth asked the Minister for Health, on 12 December 2006:

- (1) What is the target for ambulance-off-stretcher times for patients who arrive at the Emergency Department in an ambulance;
- (2) How has this target been varied, if at all, during the past five years;
- (3) Is this target different for The Canberra Hospital and Calvary Public Hospital;
- (4) What has been the performance against the target for each public hospital over the past five years.

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

- (1) The target is 90% of patients off-loaded within 20 minutes.
 - (2) This measure has only been reported since September 2005. The target has not changed since that time.
 - (3) The target is the same for both The Canberra Hospital and Calvary Public Hospital.
 - (4) This measure has only been reported since September 2005.
-

**Public service—shared services centre
(Question No 1433)**

Mr Stefaniak asked the Chief Minister, on 12 December 2006:

- (1) When will the Shared Services Centre be operational;
- (2) How many staff will work at the Shared Services Centre;
- (3) How much did it cost to set up the Centre in (a) 2005-06 and (b) 2006-07 to date;
- (4) How many staff lost their jobs because of the Centre's establishment;
- (5) When does the Minister estimate that the project will start saving money for the ACT Government;

- (6) How much money does the Minister estimate the project will save annually;
- (7) Where will the Centre be located.

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

- (1) Shared Services is part of the Department of Treasury and came into existence as a result of Machinery of Government changes on 1 July 2006. It currently includes InTACT and Procurement Solutions. Post 1 February 2007 it will include divisions centred on finance, human resources, Records Services and Publishing.
- (2) The Shared Services Centre will total approximately 900 staff come February 2007. This number includes approximately 350 human resources and finance staff, 450 InTACT staff, (including Records Services and Publishing), and 100 Procurement Solutions staff.
- (3) The estimated costs for establishing the Shared Services Centre are:
 - (a) 2005-06- \$0.137m; and
 - (b) 2006-07 -\$1.338m (expenditure at the end of November 06)
- (4) The implementation of the Shared Services initiative has required restructuring of human resources and finance services across the ACT Government. It is estimated that reductions in resourcing across all elements of finance and HR will total approximately 65 staff over two years. A very high percentage of this reduction is expected to be through natural attrition.
- (5) Savings are expected to take effect from 1 February 2007.
- (6) Table 5.2.16 (p99 2006-07 Budget Paper 3) identifies the Consolidated Savings by agency.
- (7) The human resources and finance services elements of the Shared Services Centre will be located in Eclipse House levels 3 to 9 and on level 5, 40 Allara Street, Civic. The other elements of the Shared Services Centre (InTACT, Procurement Solutions and Records Services) will remain in their current locations.

**ACTEW—travel
(Question No 1436)**

Mr Stefaniak asked the Treasurer, on 12 December 2006:

- (1) Further to the response to question on notice No 1244 regarding ACTEW travel, what was the date and destination of each trip undertaken by the Managing Director of ACTEW during (a) 2005-06 and (b) 2006-07;
- (2) Why has the Managing Director travelled to Perth during (a) 2005-06 and (b) 2006-07.

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

The ACTEW Corporation Board is responsible for all matters relating to travel undertaken by the Managing Director. In response to the Member's question, I have been advised that the Managing Director of ACTEW Corporation travelled to the following destinations:

(1) 2005-06

| | |
|------------|-----------------|
| 25/5/2006 | Sydney |
| 20/4/2006 | Sydney |
| 5/4/2006 | Sydney |
| 18/2/2006 | Melbourne |
| 7/2/2006 | Sydney |
| 29/1/2006 | Melbourne |
| 21/1/2006 | Sydney |
| 9/12/2005 | Sydney |
| 23/11/2005 | Sydney |
| 9/11/2005 | Sydney |
| 29/10/2005 | Perth/Melbourne |
| 19/9/2005 | Sydney |
| 5/9/2005 | Beijing |
| 26/8/2005 | Melbourne |
| 3/8/2005 | Sydney |
| 15/7/2005 | Melbourne |

2006-07

| | |
|------------|-----------|
| 26/10/2006 | Sydney |
| 29/9/2006 | Melbourne |
| 19/8/2006 | Melbourne |
| 10/8/2006 | Sydney |
| 4/8/2006 | Sydney |
| 27/7/2006 | Perth |

(2) 2005-06

At their request, accompanied officers of the former Emergency Services Authority and Environment ACT to view fire management of water catchments.

2006-07

To meet with the Chief Executive Officer of Alinta.

Business—assistance programs (Question No 1437)

Mr Stefaniak asked the Minister for Business and Economic Development, on 12 December 2006 (*redirected to the Acting Minister for Business and Economic Development*):

- (1) Which business programs are no longer being run because of staffing cuts;
- (2) What has been the impact of the loss of those programs;
- (3) What other forms of assistance are no longer being offered to business.

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

- (1) The changes to business programs are due to a change in the policy focus not staff cuts. There has been a move away from grant-based project support to individual firms, and toward more general services focused on enterprise capability improvement. The following grant or incentive based programs are no longer being offered:
 - Knowledge Fund;
 - Export Growth Program ;
 - Accelerating Business Innovation Program;
 - Indigenous Business Development Program;
 - ACT Business Incentive Fund.
 - (2) The impact has not been measured.
 - (3) The Small Business Commissioner and the support services provided under this function has been disbanded. The Government's discrete sector development support activities have also been scaled back in line with the changed policy focus.
-

**Cigarettes and tobacco—smoking bans
(Question No 1438)**

Mr Stefaniak asked the Minister for Health, on 12 December 2006:

- (1) What action is the Minister taking to enforce the smoking ban in pubs and clubs;
- (2) Have there been any breaches of the arrangements;
- (3) What impact has the measure had on ACT pubs and clubs to date.

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

- (1) The exemptions under the *Smoking (Prohibition in Enclosed Public Places) Act 2003* ceased on 30 November 2006. The effect of the exemptions ceasing is that from 1 December 2006, all enclosed public places are now required to be smoke free.

Since 1 December 2006, officers of the Health Protection Service have conducted random inspections to determine compliance with the legislation requirements. Random inspections will continue until 21 December 2006.

From 1 January 2007, as a result of a transfer of responsibilities incorporated in the 2006-2007 Budget, officers of the Department of Justice and Community Services will undertake inspections.

- (2) The inspections have not detected any non compliance with the legislation.
 - (3) There is no evidence available at present to indicate any impact upon clubs and pubs.
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**Cigarettes and tobacco—smoking bans
(Question No 1439)**

Mr Stefaniak asked the Minister for Health, on 12 December 2006:

- (1) Is the Government considering extending the current bans on smoking in public places; if so, which additional areas are under consideration;
- (2) Over what timeframe would any changes be made;
- (3) What consultation will occur with businesses and other affected groups;
- (4) What public health research is there that supports these claims.

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

- (1) On World No Tobacco Day (31 May 2006) I announced that the Government was investigating developments for the prohibition of smoking in outdoor public areas such as children's playgrounds, outdoor dining areas and around building entrances.
- (2) A regulatory impact assessment is being conducted to identify the best approach in controlling smoking in outdoor public places. These smoke-free control initiatives will be then further developed, including legislative changes where considered appropriate. At this stage, there is no timeframe set for any such initiatives.
- (3) As a part of the regulatory impact assessment process, ACT Health has conducted extensive consultation with ClubsACT, the Australian Hotel Association (ACT), health and community organisations and other interested groups in developing the initiatives.
- (4) There is strong evidence of health and amenity benefits in imposing smoking bans in public places. The US Surgeon General reported in 2006 that there was no safe level of exposure to environmental tobacco smoke (ETS) and that exposure to ETS causes disease and premature death in children and adults who do not smoke (*The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*).

**Housing—integration projects
(Question No 1444)**

Mrs Burke asked the Minister for Housing, on 12 December 2006:

Given that the 2005-06 annual report of the Department of Disability, Housing and Community Services in Volume 1, page 51 made reference to an improvement in service delivery due to integration projects in the areas of support for Housing Managers, client application support project and case conference, what were the integration projects and how successful has the client application support project been in delivering an improvement in service to Housing ACT clients.

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

These integration projects had the objective of providing better trained Housing staff that can deliver improved services to their clients.

The Housing Manager Support Project analysed the training, personal support and organisational support needed by Housing Managers. The project resulted in better ongoing support to the Housing Managers through development and improvement of policy and procedural consistency, communication protocols and practical supports. The initiatives have supported the Housing Managers to deliver an improved client service and facilitate enhancement of Housing ACT asset management.

The Applicant Support Project has provided for a person centred approach to service delivery and aims to ensure applicants maintain a connection with Housing ACT while they are waiting to be allocated public housing. A key outcome of this project was the introduction of cyclic and regular contact with applicants that enables Housing ACT to reassess, monitor and update changes to client circumstances and that reestablishes client support networks where they have broken down.

The Pre-Allocation Case Conference Project engages the client and their support networks in a case conference environment and is beneficial in building an assurance of support for clients during their time of waiting and transition to public housing. The conference assists Housing ACT to better understand the complexity of client circumstances and to ensure a suitable property match that is appropriate for the client's needs.

Housing—joint champions group (Question No 1445)

Mrs Burke asked the Minister for Housing, on 12 December 2006:

- (1) Given that the 2005-06 annual report of the Department of Disability, Housing and Community Services in Volume 1, page 51 made reference to the Joint Champions Group that assists with Tenant Participation Programs, was it a requirement of the program that in order to attract tenants to participate there was a need to provide financial incentives to participants to ensure that they would attend meetings or any form of organised event that was designed to improve tenant participation in the development and implementation of housing policy;
- (2) If financial incentive was provided as part of the Joint Champions Group, how much money was expended on costs associated with attracting public housing tenants to events or meetings.

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

- (1) The provision of a financial incentive was not a requirement of the program. However, tenant members of the Joint Champions Group are paid a nominal fee to both acknowledge the value, autonomy and contribution of tenants in this advisory role and to reimburse reasonable and direct costs associated with tenant members' attendance at meetings. This fee is determined by the Department of Disability, Housing and Community Services Community Engagement Payment policy on reimbursement for community members.
 - (2) A financial incentive was not a requirement of the program.
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Industrial relations—WorkChoices (Question No 1447)

Dr Foskey asked the Minister for Industrial Relations, on 13 December 2006:

- (1) What procedure has the ACT Government committed to in making Enterprise Bargaining Agreements with its employees in order to ensure that it doesn't exploit the disproportionate bargaining powers that it enjoys as an employer under the WorkChoices legislation;
- (2) Is it practical for the ACT Government to introduce legislation to require employers of young people under 18 years of age to provide employment terms and conditions at least equivalent to applicable awards.

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

- (1) To all intents and purposes, the ACT Government is making workplace agreements with its employees in the same way that it did prior to the introduction of Work Choices.

Some practical changes are necessary and are being made. For example, under Work Choices, existing awards cannot be varied in any significant way – they will be effectively frozen. Consequently, where they don't constitute prohibited content under Work Choices, the ACT Government is translating award provisions, on a no disadvantage basis, into the core template agreement.

- (2) The ACT Government currently regulates the employment of children under the *Children and Young People Act 1999*. The Government is considering the possibility of further regulating the employment of young people to protect them from the impact of the Commonwealth's Work Choices legislation.

While the *Workplace Relations Act 1996* (WR Act) generally excludes all State and Territory industrial legislation, section 16(3) of the WR Act creates an exception to that automatic exclusion for State and Territory legislation which deals with specified subject matters, including "child labour". "Child labour" is not defined under the WR Act, and it is not known to what extent the commonwealth legislation will tolerate industrial relations laws targeted at young people. There is the possibility of automatic over-ride because of inconsistency with the WR Act, or specific exclusion by the Commonwealth through regulation. An additional factor is that ACT legislation is particularly susceptible to being overridden by Commonwealth legislation because of the *Australian Capital Territory Self Government Act 1988*.

Officers from the Office of Industrial Relations are closely monitoring the introduction and operation of child employment laws in other Australian jurisdictions including the recently passed *NSW Industrial Relations (Child Employment) Act 2006*. Officers are also monitoring the Commonwealth Government's response to those laws to guide consideration of further regulatory options.