Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

6 DECEMBER 2007

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Thursday, 6 December 2007

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Payroll Tax Amendment Bill 2007

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, Minister for the Environment, Water and Climate Change, Minister for the Arts) (10.33): I move:

> That this bill be agreed to in principle.

Mr Speaker, the Payroll Tax Amendment Bill 2007 amends the Payroll Tax Act 1987 to implement national payroll tax reforms as agreed by all state and territory treasurers in March 2007. The bill also includes some amendments to the Taxation Administration Act 1999 which are necessary as a result of the Payroll Tax Act amendments.

This national payroll tax harmonisation project was announced in a joint press release issued by all state and territory treasurers on 29 March 2007. The project aims to make certain aspects of payroll tax administration more consistent across jurisdictions and reduce compliance costs for businesses that operate across state and territory borders. The reforms address eight important areas of the payroll tax system, and it was agreed by the treasurers that these measures are to be in place no later than 1 July 2008. I bear that in mind in introducing this bill now so it can be considered and debated early in the new year, thus providing advance notice for employers to conform with the new regime.

The rates of tax and the tax-free thresholds have rightly been excluded from consideration to allow jurisdictions to continue to control their individual policies and budgets with respect to payroll tax. Of the eight common provisions and definitions agreed, the ACT already complies with two—that is, the timing of lodgement and the inclusion of superannuation contributions for non-working directors as wages.

The existing ACT Payroll Tax Act includes employee share acquisition schemes as wages. The provisions include the value of an employer's contribution to any grant of a share or option to an employee, a director, or former director, and a member, or former member, of a governing body of the company. This bill amends the provisions

to include as wages paid in the ACT, a share, or the option to acquire a share, in a local company. In any other case, they are taken to be paid outside the ACT and are only subject to ACT payroll tax if the grant is made for services performed wholly in the ACT.

Mr Speaker, the other issues covered by this bill are motor vehicle allowances, accommodation allowances, a range of fringe benefits, work performed outside a jurisdiction and grouping of businesses. In addition to these measures agreed by the national project, New South Wales and Victoria implemented a bilateral project that resulted in both states adopting new payroll tax acts on 1 July 2007. These acts are based on the same template with a separate schedule dealing with jurisdiction specific provisions—that is, provisions where they chose to maintain their differences, including different rates and thresholds. The new acts cover the eight areas of concern from the national project and several additional matters. In some cases both states made changes, and in other cases they adopted each other's provisions to provide a new act. The result of this exercise is that New South Wales and Victoria now have new, virtually identical payroll tax acts.

The ACT already complies with some of the bilateral project provisions such as no liability for portable long service leave and redundancy schemes, and the inclusion as wages of termination payments to non-employee directors and deemed employees. In the case of exemptions for wages paid for maternity or adoption leave, the ACT provisions extend further than New South Wales and Victoria by including an exemption for wages paid to a primary carer taking such leave. There is no intention for the ACT to harmonise in this case, as our exemption provides a benefit in relation to a wider range of people.

The possible adoption of other bilateral project measures is being investigated with a proposed commencement date of 1 July 2009 for any further harmonisation. This includes the treatment of employment agents and exemptions for apprentices. New South Wales and Victoria have also limited the exemption for wages paid by non-profit organisations to cases where the entity's objects are wholly charitable, benevolent, philanthropic or patriotic, and the person is engaged exclusively in that kind of work. All other wages paid by the non-profit organisation are taxable.

Any further consistency measures will only be proposed if they are in the best interests of the ACT. If further measures are to be adopted, the feasibility of the ACT adopting the New South Wales and Victorian payroll tax acts as a model for a new ACT Payroll Tax Act will be investigated.

Mr Speaker, I will now give a brief outline of the measures covered in this bill, all of which are consistent with the New South Wales and Victorian new payroll tax acts. Exemptions for motor vehicle allowances and accommodation allowances in the ACT are currently dealt with administratively and their value has not changed for some years. This type of exemption easily lends itself to a consistent approach by all jurisdictions. The bill adopts exemption rates linked with those set annually by the Australian Taxation Office for income tax deduction purposes. The motor vehicle allowance exemption will be linked to the large car rate, and the value of the accommodation allowance exemption will be linked to the lowest salary band/lowest capital city rate.

The next measure provides uniform treatment for fringe benefits that are included as wages. The use of both type 1 and type 2 gross-up factors has been discarded. Agreement has been reached to adopt the lower type 2 gross-up factor to calculate the amount deemed to be wages for payroll tax purposes. Employers must declare in their monthly payroll tax returns the actual value of the total fringe benefits provided each month, grossed up by the type 2 factor. For administrative ease, the bill allows an employer to make a formal election to adopt an alternative method whereby the amounts declared are based on the fringe benefit tax returns made to the Australian Taxation Office.

Another provision new to the ACT comes with the adoption of an exemption for wages paid in the ACT for employees who work in another country for a continuous period of six months or more. To qualify for exemption, the employee must be on continuous assignment outside Australia for a period of six months or more. If the wages qualify, the exemption applies to the whole assignment, including the first six months. However, wages paid for services in another country for less than six months will continue to be liable to payroll tax.

The question of continuity of the absence from Australia will be dealt with uniformly across jurisdictions. Returning to Australia for a holiday or to perform work related to the assignment for less than a month will not be considered a break in continuity if the employee returns to the overseas country to continue the assignment.

The bill will also introduce new grouping provisions. The ACT has agreed to adopt a model consistent with Victoria and New South Wales in relation to the grouping of businesses for payroll tax purposes. The grouping of related or associated businesses is an anti-avoidance measure that prevents employers from obtaining the full tax-free threshold more than once by dividing their business into separate but still related entities. Without grouping, an entity could split its operations into several businesses, all of which have wages below the threshold and consequently none of them incur a payroll tax liability.

The ACT already has grouping provisions, but they are not consistent with those agreed by all the jurisdictions. Entities will now be grouped where they use common employees, where they are commonly controlled companies or where controlling interests can be traced to give a more than 50 per cent interest. Interests may be held directly and indirectly by the entities, and can be aggregated to form a controlling interest. The formation of these groups will use common tests across the states and territories. Related corporations under the Corporations Act 2001 of the commonwealth will automatically be grouped with no discretion to exclude a member from the group for any reason.

The commissioner has a discretion to exclude a member from a group where they operate independently. This currently applies in the ACT only to entities that are grouped because of the use of common employees. The bill widens this discretion to members that have been grouped under any of the grouping provisions, other than related corporations. The commissioner will consider all relevant matters, including the nature and degree of ownership and control of the businesses and the nature of the businesses, in exercising the discretion.

The final concept introduced by the bill is the use of a designated group employer to claim the appropriate payroll tax-free threshold for the entire group. No other group member will be able to claim a deduction and they will instead pay at the flat rate of tax. If the group does not nominate a designated group employer, the commissioner may do so on behalf of the group.

The introduction of this concept requires amendment to the current formulas used to calculate payroll tax. So that all formulas in the act are similar, the bill introduces an equivalent of all of the Victorian formulas used to calculate payroll tax for individual employers, groups with a designated group employer, and groups without a designated group employer.

Mr Speaker, I am delighted that the government has been part of this national project that demonstrates tax reform in the national interest and provides benefits for employers who operate across jurisdictions. If investigations show that the ACT and ACT employers would benefit from further reform, I hope to be in a position to present another bill to the Assembly in the coming year. Mr Speaker, I commend the Payroll Tax Amendment Bill 2007 to the Assembly.

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

Medicines, Poisons and Therapeutic Goods Bill 2007

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (10.42): I move:

> That this bill be agreed to in principle.

MS GALLAGHER: Mr Speaker, I am delighted to introduce today the Medicines, Poisons and Therapeutic Goods Bill 2007. This bill proposes to reform the legislation regulating the supply of medicines, poisons and therapeutic goods in the territory. The Medicines, Poisons and Therapeutic Goods Bill 2007 seeks to consolidate and clarify the provisions of a number of acts. As a result, it seeks to repeal the Poisons Act 1933, the Poisons and Drugs Act 1978 and the Public Health (Prohibited Drugs) Act 1957. It also proposes to make amendments to the Drugs of Dependence Act 1989, Health Professionals Act 2004 and Public Health Act 1997. Each of these acts regulate one or more aspects of the control of medicines, poisons and therapeutic goods.

The bill is required because much of the current legislation, such as the acts mentioned applicable to medicines and poisons, is out of date, inconsistent or unclear on key issues. For example, the Poisons Act regulates the medicines that are only available on a prescription and most poisons. However, the Poisons and Drugs Act

1978 regulates the dangerous poisons and includes some specific provisions for the medicines that must only be prescribed by a specialist. This bill therefore seeks to simplify the regulation of medicines and poisons in the territory and to align us with the rest of Australia and current best practice.

Mr Speaker, the bill also seeks to implement the recommendations of the national competition review of drugs, poisons and controlled substances legislation report. This review was completed in 2001 and accepted by the Council of Australian Governments in 2005. A key recommendation of the Galbally review is the development and adoption of model legislation. The nationally agreed position on the regulation of medicines and poisons is reflected in the standard for the uniform scheduling of drugs and poisons, known as the standard. The standard is maintained by the National Drugs and Poisons Schedule Committee established under the Therapeutic Goods Act 9989. This committee includes representatives of each Australian jurisdiction, including the Australian Capital Territory. The standard informs state and territory processes for regulating the manufacture, packaging and labelling, distribution, prescription and supply of medicines and poisons.

The standard is adopted into current state and territory legislation, and the ACT currently adopts some but not all of the provisions. The standard recommends a hierarchy of controls through the grouping of medicines and poisons according to their risk to human health and safety. It does this by grouping substances into schedules so that different levels of controls can be applied according to the expected risks of the substance.

Mr Speaker, the bill seeks to allow the continuation of many of the legally conducted practices involving medicines and poisons in the territory, through an authorisation and licensing scheme. The government recognises that there are a number of stakeholders who are interested in the matters regulated by this bill. Accordingly, we introduced an exposure draft of the bill for community consultation in December 2006. Consultation comments on the exposure draft of the bill were received from a number of stakeholders, including scientific researchers, the police and the aged care industry. As expected, comments were also received from health professionals such as doctors, pharmacists, optometrists, podiatrists and nurses. All the stakeholders' comments were considered in the redrafting of the bill that I present to the Assembly today.

Mr Speaker, the "Standard for the uniform scheduling of drugs and poisons", the document that contains the model provisions that this bill seeks to implement, is updated three times each year. Therefore, it is proposed that much of the detail required to implement the standard will be included in the Medicines Poisons and Therapeutic Goods Regulation 2007 that will be subordinate to this bill. This will enable the territory to remain aligned with the states and the Northern Territory, who all adopt the standard.

An exposure draft of the proposed Medicines, Poisons and Therapeutic Goods Regulation 2007 was released for community consultation in February this year. As with the bill, there were a number of submissions received from interested stakeholders. Redrafting of the regulation to incorporate stakeholders' comments continues. A copy of the proposed regulation will be provided to members of the Assembly prior to the debate of the bill.

Before concluding, I would like to make a comment on the therapeutic goods aspect of the bill. The commonwealth Therapeutics Goods Act 1989 provides the national system for regulating therapeutic goods. Because of the limits on the legislative power of the commonwealth, there are gaps in the regulation at the local level. The Galbally review recommended that each jurisdiction apply the commonwealth Therapeutic Goods Act 1989 to provide uniformity. This bill does that to the territory. New South Wales has similar, complementary legislation. The Therapeutic Goods Administration will have responsibility for undertaking the regulatory function.

In summary, the bill that I present today seeks to consolidate several pieces of legislation regulating medicines and poisons in the territory, to bring the territory up-to-date with current best practice and to align the territory with other jurisdictions where the proposed standards are already being applied. I commend the bill to the Legislative Assembly.

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

Human Cloning and Embryo Research Amendment Bill 2007

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (10.48): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Human Cloning and Embryo Research Amendment Bill 2007. This bill amends the Human Cloning and Embryo Research Act 2004 for the purposes of consistency with the corresponding commonwealth legislation, the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006, which received royal assent on 12 December 2006.

This amending legislation is required by the intergovernmental research involving human embryos and prohibition of human cloning agreement 2004, to which the territory is a party. This agreement committed all jurisdictions to introducing nationally consistent legislation to ban human cloning and establish a national regulatory regime in relation to the use of excess assisted reproductive technology embryos.

At the Council of Australian Governments meeting on 13 April 2007, the commonwealth, states and the ACT signed a notice of variation to the 2004 agreement to renew their commitment to nationally consistent arrangements for the prohibition of human cloning for reproduction and the regulation of human embryo research. To

date, the Victorian, New South Wales, Queensland and Tasmanian parliaments have passed consistent legislation which applies the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 of the commonwealth as a law of the state. Relevant corresponding legislation has been introduced in the Western Australian and South Australian parliaments. The states and the ACT have undertaken to use their best endeavours to introduce corresponding legislation into their legislatures by 12 June 2008 and for all parties to maintain nationally consistent arrangements over time.

Mr Speaker, members will be aware that in 2005 the then Minister for Ageing, the Hon Julie Bishop MP, appointed a six-member commonwealth legislative review committee, chaired by the late John Lockhart, to independently review the Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act 2002. This was in accordance with a requirement in both acts that they be reviewed by an independent committee by December 2005.

The committee, known as the Lockhart committee, reported to the minister in December 2005 following comprehensive and extensive community consultation, making 54 recommendations. The commonwealth legislation amended the Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act consistent with the recommendations of the Lockhart committee. The amending legislation is also consistent with the ACT government's response to the Lockhart review report recommendations.

The Human Cloning and Embryo Research Act 2004 established an appropriate balance between the need to enable potentially lifesaving research and the imposition of the oversight and sanctions necessary to ensure ethical research practice. Existing prohibitions have been retained on the placement of a human embryo in a human or animal, and it remains an offence to collect a viable human embryo from the body of a woman.

This amending legislation implements a number of recommendations from the Lockhart review, including allowing some somatic cell nuclear transfer, sometimes referred to as cloning for therapeutic purposes, provided such research has been approved by the NHMRC Licensing Committee and that such activity is undertaken in accordance with a licence issued by the NHMRC Licensing Committee.

Again, in accordance with the recommendations of the Lockhart review, certain types of research involving embryos, such as the creation and use of human embryos other than by fertilisation of human egg by a human sperm, will now be permitted, provided that the research is approved by the NHMRC Licensing Committee and that the activity is undertaken in accordance with a licence issued by the licensing committee.

This bill does, however, continue to absolutely prohibit the development of embryos beyond 14 days and the implantation of human embryo clones in the body of a woman for the purposes of reproduction. I commend the Human Cloning and Embryo Research Bill 2007 to the Assembly along with its explanatory statement on the bill.

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

Gene Technology Amendment Bill 2007

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (10.54): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Gene Technology Legislation Amendment Bill 2007. This bill has been developed to amend the Gene Technology Act 2003 for the purposes of consistency with the corresponding commonwealth legislation—namely, the Gene Technology Act 2000—by the Gene Technology Amendment Act 2007, the commonwealth amending act, which received royal assent on 28 June this year.

In 2005 a statutory review of the commonwealth Gene Technology Act and the intergovernmental gene technology agreement was conducted. This was in accordance with a statutory requirement that the Gene Technology Ministerial Council must cause an independent review of the operation of the act to be undertaken as soon as possible after the fourth anniversary of the commencement of the act. In October 2006 a working group of the Gene Technology Standing Committee developed an intergovernmental response to the review recommendations. In March 2007 the Gene Technology Ministerial Council gave out-of-session approval for the Gene Technology Legislation Amendment Bill 2007 and explanatory memorandum.

Mr Speaker, this amending legislation is required by the intergovernmental gene technology agreement to which the territory is a party. This agreement committed all jurisdictions to introducing nationally consistent legislation to regulate certain dealings with genetically modified organisms. The amending legislation is consistent with the ACT government's response to the review report recommendations. Please note that recent developments in New South Wales and Victoria relating to the lifting of the moratorium on genetically modified canola have no bearing on this bill. The government will consider these developments and provide advice in due course.

The Victorian parliament has already passed nationally consistent legislation which applies the Gene Technology Act 2000 of the commonwealth as a law of the state. New South Wales and the Northern Territory automatically refer to the commonwealth act and do not require amending legislation. The remaining states and the ACT have undertaken to use their best endeavours to introduce this legislation by 31 December 2007 and for all parties to maintain nationally consistent arrangements over time.

The Gene Technology Act aims to protect the health and safety of people and to protect the environment by identifying risks posed by or as a result of gene

technology, and by managing those risks through regulating certain dealings with GMOs. This amending legislation implements a number of recommendations from the review report, including introducing emergency powers giving the commonwealth minister the ability to expedite the approval of a dealing with a GMO in an emergency. These emergency powers were enacted earlier this year when an emergency dealing determination was issued to allow for the introduction into Australia of a live genetically modified vaccine to address the equine influenza outbreak.

The amending legislation will enhance the regulation of certain dealings with GMOs, again in accordance with the review report recommendations, through improving the mechanism for providing advice to the Gene Technology Regulator and to the GTMC on ethics and community consultations and through the streamlining of the process for consideration of licences.

The bill continues, however, to require the Office of the Gene Technology Regulator to prepare comprehensive risk assessments advice on applications for licences, including consideration of containment and disposal issues, before circulating the risk assessments advice to all jurisdictions for comment, prior to issuing licences for dealings with GMOs. I commend the bill to the Assembly.

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

Human Rights Amendment Bill 2007

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) (10.58): I move:

> That this bill be agreed to in principle.

Today I introduce the Human Rights Amendment Bill 2007. The bill marks a closing passage in the first chapter of the Human Rights Act, representing a reaffirmation of the foundational principles that lie behind the legislation and a consolidation of the tools and mechanisms it has established. It also marks a new emphasis on accessibility, of concepts and procedures, which reflects a reaffirmation of the government's commitment to human rights and the ongoing process of building a human rights culture in the ACT.

The passage of this legislation will bring the ACT into line with the United Kingdom, New Zealand and, most recently, Victoria, and it is consistent with the approaches foreshadowed formally in Western Australia and informally in Tasmania.

As the very first bill of rights in Australia, the Human Rights Act incorporated into domestic law for the very first time a coherent statement of rights, and it created for the very first time a scheme for the protection of those rights. The Human Rights Act

came into force on 1 July 2004. It was based largely on a model bill developed by the ACT Bill of Rights Consultative Committee in its 2003 report *Towards an ACT bill of rights act*. The model bill, based on the bills of rights acts in New Zealand and in the United Kingdom, established a dialogue model in which human rights are taken into account when developing and interpreting ACT law, without displacing traditional constitutional arrangements.

The model bill established four avenues to promote this dialogue:

(a) a reasonable limits provision, in which the legislature has the capacity to place justifiable and proportionate limits on rights and freedoms;

(b) a declaration of incompatibility, in which the judiciary has the power to issue declarations over limits that are unjustifiable or disproportionate;

(c) an interpretive provision, in which all arms of government must adopt, where possible, a human rights consistent interpretation of laws; and finally

(d) a direct right of action, in which public authorities have a duty to comply with human rights, supported by remedies where that duty is breached.

The Human Rights Act followed the model bill provisions, but there were some significant departures. The bill that was passed in 2004 opted for a cautious interpretive provision. It was silent on the duty of public authorities to comply with human rights and it was silent on a direct right of action for failures to comply with such a duty. Further, it was silent on the appropriate remedies to address such breaches.

The decision not to adopt a direct right of action was taken on the basis that agencies required time to adapt policies and practices. There was a desire to protect the territory from the risk of substantial claims in the early days. The approach was cautious but it was prudent, given the novelty of the law. The act's compromise was to establish a strong legislated framework through the operation of the interpretive provision, through the duty on the courts, tribunals and decision makers to interpret laws in accordance with human rights.

From the beginning, it was hoped that the interpretive provision would have a direct effect on the conduct of government through its effect on legislation. They would be required to consider human rights in their decision making. This would provide a level of immediate protection while familiarity with human rights grew in the fabric of the courts, the legislature and the executive. Almost four years on, the government believes the time has now come to place this interim model on a more permanent footing.

Today I present a bill that will clarify the operation of the interpretive provision, to better promote a human rights consistent interpretation of our statute book. The bill will create a direct right of action, flowing from a duty to comply with human rights on public authorities, to improve accessibility to remedies for breach. It will also clarify the operation of the reasonable limits provision to provide guidance to courts,

tribunals and officials on how to assess compatibility. And it will extend the notice requirements for proceedings in a court or tribunal which involve the interpretation or application of the Human Rights Act.

The amendments proposed in this bill will respond to the recommendations of the 12-month review of the act which I tabled in the Assembly last year. They will commence on 1 January 2009, prior to the five-year review which is currently set for tabling in the Assembly by July 2009.

I turn now to some of the specific provisions of the bill. The first is a direct right of action. The bill will create a direct right of action flowing from a duty to comply with human rights on public authorities. The proposal for a direct right of action was the subject of extensive public consultation by the Bill of Rights Consultative Committee in 2003 and by more limited public consultation in the context of the 12-month review in 2005. Deliberative polling by the consultative committee indicated that around 60 per cent of Canberrans supported the idea of a bill of rights and that around 70 per cent considered that the rights and freedoms it protected should be enforceable in a court or tribunal, as opposed to a non-binding declaration.

Of the 145 submissions received on its 2003 report, around 60 per cent were in favour of a bill of rights which included a clear and express right of action. This support continued to be strong in 2005. The submissions to the 12-month review indicated overwhelming support for a direct right of action.

I turn now to the duty on public authorities. The bill will impose a duty on public authorities. All public authorities will be required to act in a way that is compatible with human rights unless the incompatible conduct is required by law. The bill sets out the circumstances in which the duty to act consistently with human rights does not apply.

It provides that the public authority will not have acted unlawfully if, as the result of one or more provisions of a territory law, the public authority could not have acted differently or made a different decision. In the case of one or more provisions of a territory law which cannot be read or given effect in a way which is compatible with human rights, the public authority was acting so as to give effect to or enforce those provisions, or as the result of a commonwealth law, the public authority could not have acted differently or made a different decision.

The duty is adapted from the United Kingdom's Human Rights Act 1998. It will enable victims of unlawful acts by public authorities to rely on human rights in legal proceedings in courts and tribunals or to institute an independent cause of action in the Supreme Court.

I turn to the definition of public authority. The duty to act in accordance with human rights will extend to all public authorities—in other words, all entities that perform a public function. This model was recommended by the consultative committee and has been adopted by most human rights jurisdictions, including the UK, New Zealand and Victoria.

The question of what constitutes a public authority draws on the definition used in the United Kingdom's Human Rights Act and the Victorian charter of rights. This reflects the large body of law and commentary that surrounds the UK act and the extensive resources that have gone into the formulation of the UK and Victorian approach.

What is not a public authority? To ensure the legislature retains the broadest possible power to make laws for the peace, order and good government of the territory, the Legislative Assembly itself is expressly excluded from the definition of public authority. An express exclusion also applies to the courts, except where they are performing administrative functions, in line with the Victorian approach.

I turn to the issue of remedies. In line with the recommendation of the 12-month review and the Victorian charter, damages will not be available for a breach of the Human Rights Act. Rather, a finding of a breach could, for example, be a basis for setting aside an administrative decision or for a declaration that the public authority's actions breached were not in compliance with human rights.

I turn to the issue of the opt-in option. In the spirit of promoting a human rights culture in the ACT, community organisations and corporations that do not perform a public function will be provided the opportunity to voluntarily opt in to the duty to act consistently with human rights, similar to the duty on public authorities. Such a provision will be unique among human rights jurisdictions and will promote a meaningful dialogue within the community about human rights, in line with the overall aims of the Human Rights Act and the growing interest among public and private bodies for triple-bottom-line reporting or reporting against the three major dimensions of sustainability: economic, social and environmental.

The option to opt in recognises that the private sector can, and does, make important contributions to the wellbeing of society. The private sector is already required to act lawfully in regard to occupational health and safety, equal opportunity and similar obligations. Encouraging broader, voluntary compliance with human rights standards is a natural progression in the process of ensuring the best possible outcomes for Canberrans.

As I have said, the duty on public authorities and the direct right of action will commence on 1 January 2009. The reason for the delay is to allow adequate time for all agencies to conduct audits and training in relation to the duty on public authorities and the direct right of action.

The bill will amend the reasonable limits clause to provide specific guidance on the range of relevant factors that must be taken into account when assessing whether a limitation on a human right is reasonable and justified. This is intended to reduce uncertainty over how to apply the reasonable limits test. It will provide greater clarity for decision makers when considering the proportionality of limitations. The concept of proportionality as the means of determining how and when human rights may be limited is a well-accepted principle in international law and comparable human rights jurisdictions.

I turn now to the issue of extending the notice requirement. The notice provisions are being amended to require notice to be given to the Attorney-General and the human rights commission of any proceedings in the Supreme Court in which a matter arising under the act or involving its interpretation is to be argued, in a form similar to the notice requirement for constitutional arguments in the commonwealth Judiciary Act. This will ensure that the Attorney-General and the commission are in a position to intervene in appropriate cases to ensure that relevant legal arguments and authority are presented to the court.

These amendments will improve the operation of our Human Rights Act, strengthening its provisions and improving their accessibility. It will retain the position of the ACT at the cutting edge of human rights.

For two years, we were pioneers in the quest to bring rights home in Australia. For a time, we were the only jurisdiction to implement the rights and freedoms recognised in the International Covenant on Civil and Political Rights. Now we are on the inside, looking out at a wider debate on the introduction of bills of rights in other states and, potentially, the commonwealth.

Since the passage of our bill, Victoria has passed its charter of rights and responsibilities. Western Australia has developed a draft human rights bill. A foundation report has been released by the Tasmanian Law Reform Institute, and a new bill of rights project has been launched by the New South Wales charter group. There has also been progress towards a national bill of rights, supported by this government and by many of our federal and state colleagues. Federal Labor, in its election platform, has promised a public inquiry about this issue, about how best to recognise and protect the human rights and freedoms. In short, there is a growing interest in the value of rights and a rights dialogue.

A bill of rights helps us all avoid acting arbitrarily—individually and collectively. It does this by pulling us back again and again to a form of words, asking us to explain our behaviour in the reflected light of those words, to measure our intentions against the standard established by those words. With this opportunity around the corner, it is imperative that we strengthen the supporting framework for the growth of a dialogue and culture within the ACT.

As many commentators have noted, there has not yet been a flood of human rights litigation, nor has there been a drought. There have been some key cases in which human rights issues have arisen. In time, the government looks forward to the growth in the number of cases and the depth of argument on the issues. In due course, we may see the trickle of human rights case law turn into a stream. This stream will be the evidence of the growing awareness of human rights in this jurisdiction and the strength of the underlying legal principles.

To carry that illusion a little further, it will also be important to ensure we monitor the flow. In the near future, we will have an opportunity to measure and review the operation of the act and the growth of our human rights culture. Under section 44 of the Human Rights Act, I am currently required to review and report on its operation no later than 1 July 2009.

If it makes sense to do so in order to review and assess the impact of these amendments I propose today, it may become appropriate to reconsider the precise timing of that review. Overall, it is the growing awareness, the strength of the underlying principles and the opportunity for effective evaluation that are the hallmarks of our democracy.

I thank all of those in the community who have participated in consultation on this bill. I would particularly like to thank the Human Rights and Discrimination Commissioner, Dr Helen Watchirs, and Dr Pene Mathew from the human rights commission for their valuable and ongoing contribution to these amendments and to the growth of a human rights culture in the ACT. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2007 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.14): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2007 (No 2) is the 17th bill in a series of bills dealing with legislation within the justice and community safety portfolio. These bills make minor and technical amendments to portfolio legislation.

The bill I am introducing today makes the following amendments to the Administration and Probate Act 1929. The bill removes section 71 from the Administration and Probate Act 1929, which is now redundant because of the commencement of part 3.2 of the Legal Profession Act 2006 which provides sufficient protection in relation to costs assessment of lawyers' fees. The bill also removes part 4 from the Administration and Probate Act 1929, which is also redundant because of earlier amendments to the Court Procedures Rules 2006 which allow the ACT Supreme Court Registrar to provide assistance to all applicants regardless of the value of the estate.

In addition, the bill also makes a number of minor and technical amendments to align the drafting of the Administration and Probate Act 1929 with current ACT drafting practice and updates the structure and language of provisions in the act to improve their clarity. The bill also corrects a mistaken reference in subsection 43A (c) and adjusts the monetary limits and amounts in various provisions to accord with consumer price index or CPI increases.

I turn to the Administrative Appeals Tribunal Act 1989. The bill removes subsection 26 (8) from the Administrative Appeals Tribunal Act 1989, which is now redundant because the ACT Attorney-General already has an equivalent power to that of the commonwealth Attorney-General to prevent the disclosure of any matter which is contained in a statement of reasons for a decision, on public interest grounds. Similarly, section 62 is now redundant as the ACT Legal Aid Office and not the Attorney-General is the principal body responsible for the provision of legal assistance for applications made to the AAT.

I turn to the Bail Act 1992. The bill amends the Bail Act 1992 to correct a drafting error which erroneously omitted the ability for a person in charge of an ACT correctional centre to receive payment of an amount or security in accordance with a bail condition.

I turn to the Civil Law (Sale of Residential Property) Act 2003. The bill amends the Civil Law (Sale of Residential Property) Act 2003 to include a defence for sellers of property who engage the services of a lawyer to prepare a contract for sale and the lawyer fails to give to the seller all the required documents, thereby exposing the seller to an offence under the act. The seller will still be obligated to make the defective contract for sale given to them by the lawyer available for the buyer to inspect prior to making an offer on a property and must believe on reasonable grounds that they had received all the required documents from the lawyer.

The bill also amends the Civil Law (Sale of Residential Property) Act 2003 to clarify that sellers are only able to pass on to buyers the ordinary costs of obtaining a standard building and compliance inspection report and a pest inspection report and not the costs of any additional services associated with the provision of these reports.

I turn to the Civil Law (Wrongs) Act 2002. The bill amends schedule 4 of this act, which establishes a Professional Standards Council enabling the creation of schemes to limit the civil liability of members of an occupational association in exchange for improved governance arrangements. The bill amends the schedule to enable mutual recognition, between jurisdictions, of occupational association schemes approved in other jurisdictions. The amendments are based on model New South Wales legislation and are consistent with amendments to be made in all other jurisdictions.

I turn to the Civil Law (Wrongs) Regulation 2003. The bill makes an amendment to this regulation to remove the specific reference to ACT professional standards legislation, consequential on the mutual recognition amendments made to the Civil Law (Wrongs) Act 2002 by this bill.

I turn to the Crimes (Sentence Administration) Act 2005. The bill amends this act to clarify the exercise of the powers provided to the Sentence Administration Board.

I turn to the Fair Trading Act 1992. The bill amends this act to replace an incorrect reference to the Australian Telecommunications Commission, which has now been renamed. The bill also amends the Fair Trading Act 1992 to remove the corporate criminal responsibility components in the act, as a consequence of the earlier application of part 2.5 of the Criminal Code 2002 to all ACT offences.

I turn to the Fair Trading (Consumer Affairs) Act 1973. The bill amends this act to permit the Attorney-General to make a consumer product safety order not only in relation to goods which are dangerous because of a manufacturing defect but also in relation to goods which have the potential to be dangerous if they are misused. The amendment will bring the provision more closely in line with similar provisions in the New South Wales and Victorian fair trading legislation.

I turn to the Juries Act 1967. The bill amends this act to ensure that people who are blind or deaf are qualified to serve on ACT juries and to ensure that these people have the right to claim exemption from jury service in circumstances where they feel that they are unable to fulfil the inherent requirements of the position. The bill also makes minor amendments to the Juries Act to ensure consistency with the current drafting practice of the ACT.

I turn to the Leases (Commercial and Retail) Act 2001. The bill amends the Leases (Commercial and Retail) Act to refer users, including tenants and landlords, to the Civil Law (Property) Act 2006 for further information on notices of a breach. The bill also makes a minor and technical amendment to align the drafting of the Leases (Commercial and Retail) Act 2001 with the current drafting practice of the ACT.

I turn to the Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005. The bill removes the expiry date provision from this regulation for consistency. The expiry date provisions were included in a number of Magistrates Court infringement notices regulations to ensure that infringement notice schemes for acts yet to be harmonised with the Criminal Code 2002 were reviewed.

The approach to include an expiry provision was later considered problematic and consequently some infringement notice regulations for offences that are yet to be harmonised do not include such a provision. Therefore, for consistency, the amendment will remove the expiry provision from the Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005.

The bill also removes the expiry date provisions from the following regulations, for the same reason: the Magistrates Court (Environment Protection Infringement Notices) Regulation 2005, the Magistrates Court (Food Infringement Notices) Regulation 2005, the Magistrates Court (Nature Conservation Infringement Notices) Regulation 2005 and the Magistrates Court (Sale of Motor Vehicles Infringement Notices) Regulation 2005.

The bill also makes amendments to the Powers of Attorney Act 2006. The bill amends this act by remaking current transitional sections 152, 152A, 152B and 154 as substantive provisions of the act. The transitional provisions were included to ensure that powers of attorney made under the repealed Powers of Attorney Act 1956 and the repealed Medical Treatment Act 1994 remain valid, even after the commencement of the new Powers of Attorney Act 2006. The transitional provisions, which are set to expire on 30 May 2009, will need to continue beyond this date, to ensure the continued validity of the powers of attorney made under the repealed Powers of Attorney Act 1956 and the repealed Medical Treatment Act 1994.

I turn to the Powers of Attorney Regulation 2007 (No 2). The bill repeals this regulation which will be redundant as a consequence of the amendments to the Powers of Attorney Act made by this bill.

I turn to the Public Trustee Act 1985. The bill amends section 6 and the dictionary of this act to clarify that the Public Trustee for the ACT can appoint more than one deputy public trustee. The bill also amends the Public Trustee Act 1985 to enable the Public Trustee for the ACT to make a payment to a person or hand over small personal items, limited to $20,000 in value, without requiring administration to be taken out in the estate of that person. The amendment will remove the need for a grant of probate or letters of administration which are costly and can significantly deplete the amount of money held in a small estate. In addition, the bill removes sections 29A and 66 from the Public Trustee Act 1985, which are superfluous, and makes a minor amendment to replace words in section 5 for consistency.

I turn to the Residential Tenancies Act 1997. The bill amends this act to make it clear that the President of the Residential Tenancies Tribunal may delegate to other members of the tribunal the endorsement of consent decisions where parties agree to the decision.

I turn to the Trustee Act 1925. The bill amends this act to increase the monetary limits and amounts in the provisions in accordance with CPI increases.

I turn to the Victims of Crime Regulation 2000. The bill amends the Victims of Crime Regulation 2000 to replace incorrect references to the Community and Health Services Complaints Act 1993, which has been repealed.

I turn to the Wills Act 1968. The bill makes a minor amendment to the Wills Act as a consequence of the amendment made to section 87B of the Administration and Probate Act 1929 made by this bill.

This bill continues the series of technical and minor amendments that are essential for the maintenance and good order of the ACT's statute book, and I commend the bill to the Assembly.

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

Unit Titles Amendment Bill 2007

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (11.25): I move:

> That this bill be agreed to in principle.

The Unit Titles Amendment Bill 2007 will allow for the registration of a new units plan with minor encroachments over an adjoining road or public place. The bill will apply to both previously approved minor encroachments—usually eaves and guttering but could also include awnings, which form part of an older units plan registered by the Registrar-General—and any newly proposed minor encroachments.

Prior to 2000, the Land Titles (Unit Titles) Act 1970 provided the legal means for dealing with minor encroachments of a units plan over adjoining roads and public places. These types of minor encroachments have existed for many years and in most cases have not involved any significant loss of public amenity or enjoyment of the land involved. However, in 2000 the Government Solicitor's Office advised that the previous process was inconsistent with the Land Titles (Unit Titles) Act and the Land (Planning and Environment) Act 1991 and that it should no longer be used.

There are an increasing number of older units plans previously approved and registered with minor encroachments that are now subject to redevelopment, requiring the registration of a new units plan which shows encroachments. Under the current legislation, the new units plan cannot show any encroachments; otherwise it cannot be approved by the ACT Planning and Land Authority or registered by the Registrar-General, unless the encroachments are removed. Such actions, in most cases, are not practical.

The proposed amendments do not involve the approval of pre-2000 units plans with encroachments, as these are already approved. The amendments allow ACTPLA to approve new units plans with minor encroachments which result from the redevelopment of land comprised in a pre-2000 approved units plan with minor encroachments. The amendments allow for proposed units plans with minor encroachments to now be legally registered. As part of this process, provisions in the crown lease will cover issues such as licensing the encroachment and of indemnity/insurance to ensure that the territory is not open to risk.

This adopts the process that was in effect prior to 2000 but, rather than using an administrative process, the bill amends the legislation as the basis for approval of such encroachments. The current process to deal with encroachments is to grant a stratum lease, which involves agreement to a direct grant, as well as the payment of application fees for the direct grant and lodgement of a development application and payment of fees.

The ACT's legislation would be in line with that of New South Wales, where similar legislation is working successfully. The process will include the requirement to show all encroachments on the surveyor's certificate, a provision for ACTPLA to provide approval for encroachments and a requirement that the Registrar-General not register a units plan unless any encroachment has been approved by ACTPLA. I commend the Unit Titles Amendment Bill to the Assembly.

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

Health and Disability—Standing Committee
Report 4
[Cognate report:
Report 4—government response]

Debate resumed from 22 November 2007, on motion by **Ms MacDonald**:

> That the report be noted.

MS MacDONALD (Brindabella) (11.29): I would like to start by thanking all members who contributed to the discussion. I also want to say thanks to the government for their considered response to this report. This inquiry, as members of the committee know, went over a lengthy period, and it did consult widely.

Mr Speaker, I just want to make a few comments about some of the comments that Dr Foskey made about this report, because I think there are a few things that need to be set straight. At one stage Dr Foskey quoted three paragraphs and suggested that the committee has been light-handed on the government with regards to this issue. She then went on to say that:

> In other words, this is a report that does not go the full distance. It excuses the government in its recommendations by saying that, due to competing resources and the complexity of the issues, the government cannot be expected to cover all the services that make for an optimum situation in regard to mental health and housing.

Mr Speaker, the committee was simply recognising the realities of the situation. She also went on to say:

> The only group that benefits from these assertions is the government …

I disagree with the premise of that statement. I agree that any system to address issues of mental health needs to aim high, but you have to acknowledge the realities of the situation. You cannot wave a magic wand and make people well. There will always be complexities in this area, and it is important that we do not build up people's expectations to a level that they think we can actually provide a magic bullet or a magic pill which will resolve all the issues and take away the problems that are associated with mental ill health. Also, just being a human being, it is not always to do with the fact that you are mentally unwell and have a mental illness; it is sometimes the fact that you just have a personality where you decide to be disagreeable with everybody.

Dr Foskey also talked about the committee focusing on the issue of amalgamations. We did not actually make a recommendation on this, but we did say that we believe it is a concern. She said:

> While such amalgamations might be of great assistance to the ACT government, how do they assist community organisations? Most importantly, are amalgamations of more assistance to the people living with a mental illness who are in housing crisis? Who are we trying to serve here?

I would suggest, Mr Speaker, that part of the problem is that you have got so many small organisations that are competing for the same funding dollar. Also, by having all those organisations out there, it becomes confusing as to who people are supposed to turn to. That was something that the committee did hear.

In her final comments Dr Foskey said:

> I believe that the committee consulted widely and did much investigation, but did all that it learnt end up in that report or did the government have any say about its content? I know committee members were deeply interested and concerned but the committee does have a government majority.

Mr Speaker, that is a reflection on the committee's deliberations and is actually quite offensive. The committee did not actually consult with the government on this issue; we consulted with community groups over a lengthy period of time. I can say that I do not recall seeing Dr Foskey in the public hearings on this issue. She was not actually a part of the long deliberations that went on with this report. I welcome the other comments that Dr Foskey has made, but she should be more careful in the things that she says on a report which she has not been involved with, the investigation into which extended over a lengthy time.

Question resolved in the affirmative.

Health and Disability––Standing Committee
Report 4—government response

Debate resumed from 22 November 2007, on motion by **Ms MacDonald**:

> That the report be noted.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Reference

Debate resumed from 27 September 2007, on motion by **Mr Smyth**:

> That standing order 156 be referred to the Standing Committee on Administration and Procedure for inquiry and report, with specific reference to whether Members who receive benefits from poker machine revenue should be able to participate in debate on matters pertaining to gambling and associated subjects.

MR SMYTH (Brindabella) (11.36): In the two minutes remaining to me from the debate on 27 September I will just restate the case. We have a standing order here—standing order 156—which establishes the principle of the conflict of interest in the Assembly context. It relates to any direct or indirect interest in a contract between the territory and an external organisation. Ambiguity arises with the ACT Labor government making decisions on licences to operate poker machines. These contracts,

I believe, fall within the terms of standing order 156. What I seek for the inquiry to do is to examine the general matter of conflict of interest and the specific matter of conflict relating to dealing with gaming machine contracts.

The standing order has the interesting twist in the tail in that it says:

> Any question concerning the application of this standing order shall be decided by the Assembly.

Those who may have a conflict may actually then end up deciding whether or not they have got a conflict. I do not think that is clear at all, and I do not think it is acceptable. I believe it leaves a cloud hanging over the Assembly in the way that we make decisions. We have seen that entire issue being raised not just locally but nationally in this country in the context of the debate on the influence of gaming machines on problem gamblers and over the revenues that governments receive from them.

It is quite specific here in the case of the ACT where the Labor Party actually has licences through the Labor Club and where the Labor Party is in government. There are significant decisions to be made—the cap of 5,200 machines has been reached. The Gambling and Racing Commission is currently looking at these issues, and I do not want the cloud left hanging over the Assembly that there be any inference of inappropriate behaviour by anyone. This issue has been before the Assembly many, many times over the last decade, and before that as well. *(Time expired.)*

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.38): Mr Deputy Speaker, there is no logic in what Mr Smyth is proposing in this motion today. His only motive appears to be political. In fact, the motion, if passed, has the potential to impact negatively on all members of this Assembly. The purpose and the meaning of standing order 156 are clear. It states that a member who has an interest in a contract made by the territory shall not take part in a debate on a question that relates to that contract. These provisions deal with personal conflict of interest. The standing order is about preventing a member from gaining a personal benefit.

Mr Smyth is proposing that the administration and procedure committee determine whether members who receive benefits from poker machine revenue should be able to take part in a debate on matters relating to gambling. Mr Smyth knows very well that there is no contract between any member here and the clubs for financial support within the scope of standing order 156. It seems that the intent of Mr Smyth's motion goes well beyond the meaning of this standing order.

There may be some unintended consequences here that Mr Smyth may not have thought about. The Labor Party receives donations from clubs, which are, of course, disclosed and on the public record. But the Liberal Party also receives donations from clubs. It is well known that, in the past, the Liberal Party received donations from the Southern Cross Club, which derives a proportion of its revenue from poker machines. Like the Labor Club, this is a club that is involved in many very worthy causes. Should that donation preclude all the Liberal members of the Assembly from debate on matters relating to gambling?

Mr Smyth knows that he is being selective in limiting his motion to gambling issues, and this is clearly a political motive, Mr Deputy Speaker. If he were genuine in his desire to clarify the standing order, he would have made it broader. If the scope of the motion is to preclude the members of a party that has received donations from a particular company or industry from participating in debates on issues pertaining to that sector, then why stop at gambling?

For example, does this mean that colleagues in the Liberal Party should abstain from debate on the housing market or on regulation of the housing market because they receive donations from a number of prominent building companies? Should the Liberal Party members abstain from debate about hospitals and, indeed, the regulation of private hospitals because of a donation from the Australian Private Hospitals Association? Does it mean that a donation from a company that deals with groundwater industries should result in the Liberal Party not participating in debate on the regulation of groundwater in the ACT? Should the Liberal Party have abstained from a debate on smoking bans because they received a donation from a tobacco company?

All these examples that I have given are on the public record. I am not saying that these donations would have influenced the position of opposition members, but, if you were to use Mr Smyth's logic, he would have us believe that they did and that they were not appropriate. I am also not suggesting that those donating these funds were trying to seek financial benefit. But, again, Mr Smyth's logic would have us believe just that.

Indeed, why should Mr Smyth stop at financial benefits for the donor? Should the Liberal Party members have declared a conflict of interest and abstained from debates that included complex issues such as abortion? The opposition received a sizeable donation from the Right to Life Association in 2004-05. Using Mr Smyth's logic, this would have influenced the thinking of opposition members on that issue.

Mr Smyth seems to be implying that receiving a donation places an obligation on a political party and its members to provide something in return. This is a surprising position if one considers the groups that provide donations to political parties. In a democracy, individuals and organisations have a right to donate to political parties. It is important that there is information available on these donations, which need to be made in an open and transparent way, but it is a right open to people to donate, and it should not be interfered with.

Commonsense should prevail here. We all know that standing order 156 only covers members who have an interest in a contract made by the territory, which is significantly different from the proposition that Mr Smyth is seeking to put forward. Mr Smyth's motion, if passed, could lead to members being precluded from participating in debates on issues before the Assembly because they relate to the interests of organisations that have funded political parties of members of the Assembly. This is hardly feasible or practical given the size of this Assembly and the need for members to participate in debates on a broad range of issues. If we adopted Mr Smyth's approach, every member in this Assembly would have to abstain from participating in a debate at some stage.

Mr Deputy Speaker, all public representatives are required to deal with a wide range of issues, and what may be perceived as conflicts of interest arise from time to time. One needs to draw a distinction between personal conflict of interest and political conflict of interest. If an individual member stands to gain financially or materially from an action taken as a result of an Assembly debate, of course they should publicly disclose their interest and not participate in such debate.

Standing order 156 and section 15 of the self-government act deal with this, and they are clear and unambiguous. Political parties, especially when in government, deal with conflict of interest of a political nature all the time. We are expected to adopt positions on the basis of public benefit and of public interest. It is doubtful that any political party would profess to do otherwise.

It may well be that public benefit is sometimes in conflict with political interests. These can be difficult choices and they require considered judgements, but they cannot be codified. The government's actions and decisions actually testify that it places public benefit over and above its political interest, particularly in the area of gambling. Why else would we introduce legislation that actually reduces clubs' revenue? Mr Smyth's logic, again, would have us do nothing.

Mr Deputy Speaker, one can only assume that Mr Smyth has deliberately limited the motion to gambling knowing that the Labor Party receives a sizeable donation from the Labor Club group. As I and my colleagues have said in this place many times, the Labor Party is not ashamed of its connection with the Labor Club. The establishment of a Labor Club was a well considered and legitimate move to create a financial support base for the party's work. The Labor Party makes no secret of the fact that it receives a donation from the Labor Club. It is only a donation and is not linked directly to poker machine revenue.

The Labor Club provides a range of other services for Canberra families, and this donation is drawn from the club's overall earnings. The donation is public knowledge and freely available from the Electoral Commission. Indeed, all donations received by political parties are detailed on the commission's website in annual returns. In fact, if Labor Assembly members were obligated to promote favourable conditions for the Labor Club, they would not have supported the introduction of stringent smoking bans. These have resulted in a drop in the organisation's gaming revenue of over $7 million in 2006-07 compared with the previous year. This equates to an average decline of almost 10 per cent. Neither would my Labor colleagues or I have supported a 17 per cent increase in gaming tax from July 2007.

It is obvious, Mr Deputy Speaker, that Mr Smyth's motion is targeted at the Labor Party members of the Assembly because of the support the party receives from the Labor Club group. It is a blatantly political endeavour. It delivers no public benefit and it impedes governing. Ultimately, if extended to its logical conclusion, it could impact on all members and impede the effective operation of the Assembly. For these reasons the government does not support the motion.

It is worth highlighting, in conclusion, that, at the end of the day, what purpose would this inquiry serve? Aside from the obvious weaknesses of Mr Smyth's arguments, the

issue still must be resolved by the Assembly itself. The self-government act makes that clear, and our standing orders, which are pulled from the self-government act, make that clear also. These are matters for the Assembly to decide. Mr Smyth's motion and the proposed inquiry will add nothing to that debate. It is a political endeavour; it is a political ambit, but its logic is flawed and the consequences are far more wide ranging than I think Mr Smyth realises. The government will not be supporting the motion.

DR FOSKEY (Molonglo) (11.48): I am going to take it as read that Mr Smyth's motion is about the Labor Party's ownership of clubs, because I believe that his motion does give rise to substantive issues. The first is the potential conflict of interest of Labor Party members that arises because of income from poker machines and, secondly, the adequacy of the standing orders to deal with the current situation.

I would like to preface my discussion on the first point by saying that, on deciding whether this issue should be referred to a standing committee, we have to debate the merits of the issue, because we have to decide whether it is worth referring it to a standing committee which is already busy. That is not to assert that any conflict of interest does exist or that any impropriety has occurred. Rather, I would say that, given the current facts, there is the potential for this to be the case, which is why we are having the debate—the circumstances may give rise to this perception.

The very fact that we are having this debate—and that we have had it before—indicates that there is a problem. Reasonable and respected members of our community believe there is a problem, and I would argue that, because of this, there is. Not only must the Assembly and the government be absolutely free of any potential conflicts; they must be seen to be and, arguably, they are not. Where there are any potential conflicts, of course, they must be stated.

Conflicts of interest will invariably arise throughout the life of the Assembly. It is not necessarily a bad thing, so long as they are dealt with appropriately to ensure probity and public confidence. I remember that I had to stand up and state that I lived in a government house every time I spoke on that topic, because that was seen as a conflict of interest.

The way I see the issue is that the ACT Labor Party receives a significant portion of its income from Labor clubs. In and of itself there is nothing wrong with this, and we are all aware of the contribution of clubs to our community. However, these clubs own and operate a large number of Canberra's poker machines, and a very large proportion of their profits come from poker machines. Therefore, a proportion of the money that goes into the slots of these machines goes directly into Labor Party revenue.

When a Labor Party member stands for re-election in October next year, money from poker machines will be spent on his or her campaign. Therefore, money from poker machines will be used for the benefit of current members who want to get re-elected and who now decide how the industry should be regulated and, effectively, how much money is going to go into those slots.

Given the current majority government, Labor Party members alone can dictate the laws that apply to poker machines. In making a decision on the regulation of gambling machines, they are directly influencing how much money will therefore go into their party coffers. It seems appropriate to me, therefore, that the issue be thoroughly considered.

Secondly, on the matter of how appropriate the standing order is to deal with the current situation, the standing order states that a member shall not take part in discussion or vote on a question where they have a direct or indirect interest in a particular matter. The application of this is to be decided by the Assembly. It would seem that the provision really only contemplates individual members, whereas in this case we are concerned with the whole of a majority government, given that one party is in that position. This necessarily makes it ineffective for the Assembly to decide on the application of the provision.

As Mr Smyth pointed out, how can someone with a conflict of interest decide if they have a conflict of interest without having a conflict of interest? I think that we should refer the issue to the commonwealth so that it might amend the self-government act so that it is an independent body or an all-party, equally represented committee that decides where a conflict of interest occurs and the best way to address it.

There is a second issue which I believe arises when considering the adequacy of the current standing order to deal with the current situation. Appreciating here that I am essentially providing an argument for the government, I feel that it is important that things be done properly, and I would like to take the opportunity to address what I perceive to be a shortcoming in the standing orders. I draw Mr Smyth's attention to the wording of standing order 156. The pertinent question is whether or not the licences granted by the commission can be characterised as a contract with the territory, the necessary requirement for the standing order to apply.

I would not like to see this matter go to a committee only for the committee to decide that the standing order did not apply, as opposed to dealing with the substantive issues. There is a very strong legal argument that there is no contractual arrangement between the poker machine licence holders and the territory. Indeed, the relationship is an administrative one. I refer the Assembly to the High Court's decision in Australian Woollen Mills Pty Ltd v Commonwealth (1954) 92 CLR 424. This was a case where wool producers tried to sue the commonwealth over the lapse of a wool subsidy scheme. In that case it was found both by the High Court and the House of Lords that there was no contract. In their consideration of the case it was found that the relationship could be characterised as administrative rather than contractual, which I have been advised is also the case here.

There is no offer to purchase any good or service on the part of the territory, nor is there a provision of any good or service by the territory, nor is there the requisite intention to create contractual legal relations. Should the issued licence be revoked, the licensee would need to rely on administrative law for a cause of action against the territory, as they would have no claim for a breach of contract. Similarly, if the licensee breached the conditions of legislation, the government would not sue for

breach of contract. The licence would simply be rescinded because the licensee had breached the statutory conditions imposed on them.

That being the case, it appears that there is technically no breach of the standing order. However, the situation would seem to be covered by the intent of the provision and, therefore, it certainly warrants further consideration. I therefore suggest that we look at amending the standing order so that it is an impartial committee that decides whether a conflict exists and the appropriate course of action to take when conflicts arise. I also suggest that the wording of the standing order be amended to cover benefits acquired by members in a broader sense rather than limiting it to contracts. It would seem to me that the committee for administration and procedure is probably in a position to do that, given that it is constituted by all parties in the Assembly. Given that we are engaged in a review of the standing orders at the moment, that committee has been looking at them quite extensively. It could be that we might have another look at that particular standing order. Given that the result of our intensive scrutiny is being tabled very shortly and will be there for all members to have a look at, that might be the way to go.

I believe that Mr Corbell has made some good arguments. The difference, however, is the level of control and the distinction between donations and ownership of the licences. The Labor Party actually owns the clubs that have the licences. That is what makes the difference. In relation to a committee inquiry, I would really prefer that we had a closer look at that standing order.

MR STEFANIAK (11:57): Mr Smyth moved that standing order 156 be referred to the standing committee on admin and procedure on 27 September last year. I support the motion. I was not quite sure what D Foskey was saying. She seemed to support the motion. I think it is a very sensible idea.

Mr Smyth quoted the standing order and the related section 15 of the Australian Capital Territory (Self-Government) Act 1988. A fair amount of time has elapsed between when this debate started and now, and perhaps it is worth restating them. Standing order 156 states:

> A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract. Any question concerning the application of this standing order shall be decided by the Assembly.

Section 15 of the Australian Capital Territory (Self-Government) Act states:

> (1) A member of the Assembly who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.
>
> (2) A question concerning the application of subsection (1) shall be decided by the Assembly, and a contravention of that subsection does not invalidate anything done by the Assembly.

This is an issue that has been before the Assembly since it started; it has cropped up on a fairly regular basis. Mr Smyth is asking us to refer the standing order to the standing committee on admin and procedure for inquiry and report. I think that after 18 years or so of operation of the Assembly that is a very sensible thing to do. We have had debates in this place on poker machines and other matters, and I note what the attorney says in relation to possible conflicts. There may well be a number of areas where there are possible conflicts which need to be ironed out. Perhaps we need to have some revised rules as to how we can overcome those perceived problems.

As I said, this issue has cropped up in the past in the Assembly. I recall one member at least in a previous Assembly who actually deliberately absented himself from debate on anything to do with poker machines. That was Paul Osborne. Paul Osborne was employed—I think it was for about $40,000 a year—as captain and coach of the west Belconnen rugby league team. He was employed by a club that substantially derived its income from poker machines. He stated, I think, very early in the days when he was in the Assembly that he had a conflict, or he felt he did, and he deliberately absented himself from those votes. I am not quite sure if he actually contributed to debate, but he certainly absented himself from the votes and I believe he absented himself from the actual discussion as well.

He was one member at least who felt that he actually did have a direct conflict. He received money from a licensed club, quite appropriately, but because of his view of the situation and his standing as a member of the Assembly, he felt that there was very much a conflict. I think that precedent strengthens the case for a review. We have this constant issue, especially in relation to the Labor Party receiving money from the Labor clubs.

Dr Foskey quoted a High Court case, which I must see, but in a way the situation has some of the hallmarks of contract law. In a way there is offer, acceptance and consideration. For example, a club makes an offer to the government. They say, "We would like to install poker machines in our club. If you let us, we will pay the required tax." The government, in return, says, "Yes, you can have poker machines in your club. Here is a licence. Here is the tax. This is the proportion of poker machine revenue you have got to put back into the community through community grants." The club accepts, and you could say then that the contract is consummated by the issuing of the licence.

Indeed, as is common in commercial contracts, there are provisions that go to the breach of contract. For example, it could be said that if the club fails to pay the tax or puts more machines in than the government allows, the government can seek to cancel the licence. So we have a situation in the territory where the territory has contracts, through licences, with clubs in the ACT.

What do clubs do with the revenues they raise through poker machines? We know about that. A lot of that is churned back into the community. The Labor Club, a licensed club in the ACT which operates and gains revenue from poker machines under a licence from the ACT government, pays substantial amounts in various ways, such as supporting community activates, but also a substantial amount to the ACT branch of the Australian Labor Party.

Of course, the Labor Party uses those contributions from the club to fund campaigns for its candidates. Some of its candidates are elected to the Assembly and receive a taxpayer funded salary, as do all here. Indeed, the 2005-06 financial disclosure return submitted by the ACT branch of the Labor Party stated that it received $385,923.30 from the Labor Club. Were it not for those funds, the Labor Party would have, on that occasion, received contributions totalling $61,475.69 from other sources.

It is clear that the contributions from the Labor Club to the Labor Party make a very significant difference to its ability to fund its election campaigns. It logically follows that the Labor members in this place have a very direct interest in ensuring that the club can maximise its contributions. It is very much in their direct interest that the club holds a licence and can generate this income. Even if you say that that is not a direct interest but an indirect interest, it is certainly an indirect interest; thus you could say that it is caught by the standing order.

As I said, it has been said on many occasions that Labor members here do have this clear conflict of interest, and it has been said before that they should excuse themselves from debates.

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

MR SPEAKER: Yes. Withdraw that, Mr Stefaniak.

Mr Corbell: I do not think that Mr Stefaniak can assert that Labor members have a conflict of interest. He cannot assert that.

MR SPEAKER: I have just ordered him to withdraw that. It is a fair point.

MR STEFANIAK: Certainly it has been said in the past and it could be argued, Mr Speaker.

MR SPEAKER: Well, just withdraw it unconditionally.

MR STEFANIAK: I withdraw that. But at the end of the day, this is an important matter. It is a matter, I think, that does need clarification. Interestingly, there are some other issues which the Attorney raises which I think are quite valid and which are worthy of clarification as well. After 18 years and a series of debates in this place—I have indicated some precedents where Mr Osborne stood aside from debates—I think it is about time we had a proper look at the standing order and arrived at something definitive. After 18 years, this is an issue that needs to be looked at and put to bed, and I think that it is in everyone's interests to do that.

I am pleased to hear what I gather to be some support from Dr Foskey in relation to this. It is an important issue. It has been around a long time. It is very sensible, I think, for Mr Smyth to bring forward a motion such as this. I commend him for it. I commend the motion to the Assembly. Certainly I would hope that the standing committee on admin and procedures can seriously look at this issue and related issues and come back to the Assembly with some definitive recommendations. I think that will take us forward, and it is about time after 18 years.

MRS DUNNE (12.05): Mr Speaker, the attorney himself actually put forward the case for why this motion should succeed and why there should be a reference of standing order 156 to admin and procedure. His exposition here and what he thought was a speech against the motion was, in fact, a speech in favour of the motion. He pointed to a whole range of ambiguities that might arise in relation to the relationships which we as individual members and as members of parties might have with organisations in this community and the wider community.

Mr Corbell is sensitive about this issue because there is particular reference to poker machines. But this motion will be a complete review of the operation of standing order 156, and the general tenor of discussion in here today says that there is considerable ambiguity. I have been a member of administration and procedure, as have Mr Smyth and Dr Foskey. These issues were not raised in the forthcoming review of standing orders, but that does not mean that we should not consider them as they arise. The most important part of doing our job here is that what we do is above reproach and open and accountable. This is why we moved amendments to the Freedom of Information Act yesterday—to open up what we do to public scrutiny.

There is a perception—Dr Foskey touched upon that—of a conflict of interest for the Labor Party because of their association with the Labor clubs and gaming machines. Dr Foskey dwelt on whether or not there was a contractual or administrative arrangement between the government and licensed clubs that hold poker machines. But that is not the only area where we have to consider whether or not there is a contract. As a member of the Liberal Party, I have a contract with the Liberal Party that requires me to do particular things and, in the same way, members of the Labor Party have a contract with the Labor Party that requires them to do particular things because we carry the brand name—the Liberal brand or the Labor brand.

One of the things that Mr Corbell talked about was the fact that people obtain funding through election donations from a variety of sources, and he touched on some of them. I presume he had me in mind, amongst others, when he talked about the ACT Right to Life Association. Yes, I received a donation from the ACT Right to Life Association. First of all, the ACT Right to Life Association does not receive any cabinet funding, nor do I have a contract with the ACT Right to Life Association. When I speak on matters I make no secret of the fact of my affiliation with the ACT Right to Life Association, but I have no contract with them; no contract exists. The same can be said for a whole range of people who, as individuals or as groups, might donate to me or to any other person in this place. If there is a contract between us to do particular things, then that should be upfront.

For members of the Labor Party there is a conflict. There are contracts between the government and licensed clubs, one of which is the Labor Club. The Labor Party receives a benefit from the Labor Club. At the same time, individual members of the Labor Party, to be endorsed in this place, enter into a contract with the ACT ALP, or whatever the organisation is. It is not for me to table that contract. It is for the members of this place to do so. I am quite happy to table the candidate contract that I signed the last time I was endorsed as a candidate.

That requires members of the Labor Party to do certain things. That contract may be a written contract or it may be a verbal contract, but there are specific and explicit undertakings that people make to take on the franchise of being a Labor Party candidate and, consequently, a Labor Party member. At the same time the Labor Party receives funding from the Labor Club as a direct result of the operation of gaming machines. There is from time to time, and fairly regularly, a crossover of membership of the boards of the Labor Club and affiliated clubs and the hierarchy of the ACT ALP. It is no secret that the former Treasurer, Mr Quinlan, from time to time was on the board of the Labor Club. There is a close—

Mr Corbell: Not when he was Treasurer.

MRS DUNNE: I did not say when he was the Treasurer. There is, from time to time, an overlap. Mr Quinlan, a member of the Labor Party who became the Treasurer of the ACT, had from time to time been a member of the board of the Labor Club.

Mr Corbell: But not when he was Treasurer.

MRS DUNNE: I did not say and I do not imply that this happened when he was the Treasurer. But there is a clear case for the potential for a conflict. Mr Smyth's motion today says let us take the ambiguities, the ambiguities that Mr Corbell himself raised and the ambiguities that Dr Foskey raised, and put the standing order under complete scrutiny in the admin and procedures committee.

What is the Labor Party afraid of, Mr Speaker? You chair the administration and procedures committee. There is a member of the Labor Party in addition to you on that committee. There is Mr Smyth representing the Liberal Party and Dr Foskey representing the crossbenches. It is not as though you can be outvoted on this. So what is the Labor Party afraid of? The Labor Party are afraid of opening these matters up to scrutiny in the same way that they have been afraid of opening up the school closure issue to scrutiny, the same way that every time that people want to check or question what the Labor Party does, they have some attempt to close it down. It is the same way that Flynn residents are being closed down in court procedures.

MR SPEAKER: Come back to the subject matter of the debate.

MRS DUNNE: This is a matter of the Labor Party wanting to close down debate on a matter which is of public interest. People are concerned. People raise it with me on a regular basis. We have got a Labor Club slap-bang in the middle of town promoting poker machine use, and this is a matter of concern to people in the community. It is a concern to restaurateurs and hoteliers who are undercut by the Labor Party poker machines and their concessions. This is a problem.

You, Mr Speaker, and all the people on the government benches obtain a benefit as a result of the operation of that club and the other clubs around the town. Well and good, you might say; we were entrepreneurial enough to do this back in the day. Some people would say that that is fair enough. We have a situation where there is a clear problem—

Mr Hargreaves: That is Mrs Dunne, the former treasurer of the Currie Club.

MRS DUNNE: There is a clear problem here—

Mr Hargreaves: What about the Currie Club?

MRS DUNNE: Do you really want to know about the Currie Club?

Mr Hargreaves: I do—Currie Street, Red Hill.

MRS DUNNE: The Currie Club does not exist anymore.

Mr Hargreaves: No, but who was the signatory to it? You were.

MRS DUNNE: It consisted of 20 or 30 people and at one stage I was the signatory of a bank account that had $150 in it.

Mr Hargreaves: The secret society of fundraisers.

MR SPEAKER: Order, members! This debate does not invite additional material in relation to the Currie Club, whatever that was.

Mr Hargreaves: It is a fundraising activity.

MRS DUNNE: It was not a fundraising—

Mr Hargreaves: It was a fundraising activity. I got the minutes and the ABN number, the lot.

MRS DUNNE: He cannot read the minutes, then.

Mr Hargreaves: And who was the treasurer? Who was the treasurer with a conflict of interest representing Mr Humphries at the time? It was not me.

MRS DUNNE: Have you got all the collected papers of the Currie Club and read them?

Mr Seselja: That will be the front page tomorrow, John—Currie Club scandal.

MRS DUNNE: Yes.

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77.

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

> That the time allotted to Assembly business be extended by 30 minutes.

The Assembly voted—

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

Question so resolved in the negative.

Standing orders—suspension

MR PRATT (Brindabella) (12.19): I move:

> That so much of the standing orders be suspended as would prevent notice No 1, Assembly business, relating to the proposed reference of the Tharwa Bridge to the Standing Committee on Planning and Environment, being called on forthwith.

Mr Speaker, I think it is very, very important that on the back of even more recent events there are very, very serious doubts surrounding the government's management of the Tharwa river crossing saga. I believe that we need to debate here today the management of that saga, the impact on the Tharwa community and the requirement to send this matter to the planning and environment committee. It is an important matter.

We now know that the government has very, very likely misled the ACT community on the veracity of the evidence available to them when they made decisions as long as 19 and 20 months ago around the fate of the old Tharwa bridge and the decision that they took in December 2006 to commence the concrete bridge at Tharwa. We now know that there was a broad range of engineering and logistical evidence which indicated that the old Tharwa bridge could have been restored possibly at less cost than the money allocated or assessed as needed for a new concrete bridge structure and, more importantly, in a fraction of the time that it is going to take to build the concrete bridge.

Mr Hargreaves: I raise a point of order, Mr Speaker. The issue is being debated. We are supposed to be debating why we should suspend standing orders, not what is going on in Mr Pratt's mind.

MR SPEAKER: I think that is what Mr Pratt is trying to do.

MR PRATT: Thank you, Mr Speaker. There is a very serious question as to the way Minister Hargreaves in particular and the government in general have handled the affair. We believe it warrants a deep inquiry. I propose that there is a necessity for the planning and environment committee to inquire into all of the circumstances surrounding the decisions taken in relation to the commencement of a new concrete bridge project and all of the circumstances surrounding the decision taken not to restore the old bridge.

The only way that we can get to that matter is to empower and direct the planning and environment committee, our standing committee on these matters, to launch immediately into an inquiry on the way that the government has, I posit, mishandled this whole sorry affair and consequently put the residents of Tharwa at massive disadvantage.

I commend the motion to suspend standing orders to enable us to debate the motion to refer the matter to the planning and environment committee. I call upon the government to stand up here and express logically why we should not be doing that in this place.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.22): The government has an extensive program of business listed on the notice paper in the daily program today. It involves four bills, all of which are required to be passed at the conclusion of this sitting year. Today being the last day, it is essential that we move on to debate those bills. I would draw members' attention to the fact that we also have an MPI listed for this afternoon which will go for the requisite hour. In addition to that, there are a range of other items still to be debated on the notice paper.

The government has supported the normal allocation of 45 minutes for Assembly business. We have indicated previously to the opposition that we are not inclined to support an extension to Assembly business today because of the program of work of executive business that needs to be dealt with today, it being the last sitting day of the year.

We have sought the opposition's cooperation in this matter. Regrettably and unfortunately, it is now a regular occurrence. We do not have that cooperation from the opposition despite their initial indication that they would be prepared to confine debate to 45 minutes. Regrettably, that is the way they are choosing to conduct themselves in this place. But the government wishes to insist that its business does need to be dealt with today and, for that reason, we do not support extension of time and we do not support a suspension of standing orders. We are quite happy to have this debate at a later time, but given the priority of other business on the notice paper and the daily program today we wish to proceed to executive business. That is why we do not support the suspension of standing orders.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (12.24): Just briefly, I understand that Mr Smyth did advise Mr Corbell that we really wanted to deal with this, and there were discussions about that. I note the government's attitude in relation to this. I merely point out that on a couple of occasions recently we did not have any government business and we finished early. I think that happened on a couple of occasions in the last sittings. I think it is important for the government actually to get its act together and ensure that there legislation for us to debate.

MR PRATT (Brindabella) (12.24), in reply: Mr Speaker, in recent weeks this government have shown by their lack of industriousness that they waste time in this place. Here they are—

MR SPEAKER: Come back to the subject matter of the question.

MR PRATT: The need for an inquiry is an extremely important matter. The government should be looking at priorities. The Tharwa community and the residents of the ACT are deeply concerned about the way a major project matter has been mismanaged. It is an urgent issue. It deserves to be brought on today in this place. It deserves to be debated now. The arguments put forward by Mr Corbell simply do not hold up in terms of the seriousness of the matter and the priority that the government gives it.

This is a deeply serious matter. It needs to be inquired into. The inquiry needs to be debated here. Let the *Hansard* note that Mr Corbell makes light of this issue. He laughs at this matter. He does not think that the Tharwa bridge matter is a serious issue. He does not think that the Tharwa river crossing matter is a serious issue. Let *Hansard* note that Mr Corbell is mocking the seriousness of this matter.

Question put:

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

The Assembly voted—

Ayes 6		Noes 9	
Mrs Dunne	Mr Stefaniak	Mr Barr	Mr Gentleman
Mr Mulcahy		Mr Berry	Mr Hargreaves
Mr Pratt		Mr Corbell	Ms MacDonald
Mr Seselja		Dr Foskey	Mr Stanhope
Mr Smyth		Ms Gallagher	

Question so resolved in the negative.

Executive business—precedence

Ordered that executive business be called on.

Assembly sittings 2008

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.30): 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 2008:
>
> | | | | |
> |---|---|---|---|
> | **February** | 12 | 13 | 14 |
> | **March** | 4 | 5 | 6 |

April	1	2	3
	8	9	10
May	6	7	8
June	17	18	19
	24	25	26
August	5	6	7
	19	20	21
	26	27	28

Mr Speaker, members of the Assembly have been consulted about this sitting pattern. I am not advised of any major departures from what is proposed. Therefore, I endorse this sitting pattern for the next sitting year.

Question resolved in the affirmative.

Leave of absence

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

> That leave of absence from 7 December 2007 to 11 February 2008 inclusive be given to all Members.

Standing orders—suspension

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

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

Sitting suspended from 12.31 to 2.30 pm.

Questions without notice

Kangaroo cull

MR STEFANIAK: My question is to the Chief Minister and minister for the environment. The Department of Defence has hired contractors to cull kangaroos at Majura and Belconnen, at the Lawson site. My understanding is that the contractors will fire darts containing a cocktail of sedatives at kangaroos from close range. I am advised effectively that the ideal distance is about 25 metres. After that, you are likely to miss them.

I was told by one of our registered cullers that the drugs used are potentially lethal to humans. There are three types, the most lethal being epithane hydrodioxide. I am advised that, if someone who had a scratch were to pick that up and it got into the bloodstream, it could potentially kill them. I also understand that there are concerns that the contract cullers may not be properly trained. I ask you: what has the

government done to ensure that the people conducting the cull are properly trained and qualified?

MR STANHOPE: I thank the Leader of the Opposition for the question. Certainly I am aware of the steps that the Department of Defence has taken. The ACT government is pleased at the latest announcements by the Department of Defence and its preparedness to address what we regard—and what is broadly regarded—as a significant environment issue, namely over-grazing on two defence sites: at Majura and at Lawson.

My latest advice in relation to the Department of Defence's anticipated control was that, at Majura, the most significantly affected areas of lowland grassland would be fenced off. The fencing had commenced or was about to commence. I had a briefing on this issue within the last 10 days or thereabouts. That last briefing was to advise me that the Department of Defence had commenced or was about to commence fencing, most particularly at Majura. But I believe there was also a proposal to ensure the protection of areas at Lawson.

At that stage, my last advice was that final decisions had not been taken in relation to a euthanasing approach to the kangaroo population at Lawson. The government has certainly issued a licence for the maintenance of 150 kangaroos at Lawson. We believe there are in the order of 600. My last advice was that those final decisions had not been taken. I will seek to provide the information before the close of business today on issues around the current status of defence's intentions in relation to the euthanasing or removal of kangaroos from Lawson.

I have not asked specifically about the issues you raise in relation to the process or the procedure that would be utilised in the euthanasing of kangaroos and the issue you raised in relation to ensuring that those who have been contracted are appropriately trained and qualified. That is an issue that certainly, in the first instance, we would have expected the Department of Defence to pursue consistent with its obligations and responsibilities.

I am more than happy to confirm the issues that you have raised and to seek detail of issues around the process the Department of Defence proposes in relation to control, whether it be euthanasing or simply removal. I will try to provide that over the next couple of hours.

MR SPEAKER: Is there a supplementary question?

MR STEFANIAK: I thank the Chief Minister for that answer. I ask him to take on notice and provide details of what the ACT government and Defence have done to ensure that the cull is conducted safely, without undue risk to humans. I am advised that these drugs are potentially fatal. If someone missed and a kid picked it up, there could be fatalities.

MR STANHOPE: I am certainly happy to take that question on notice. I should say at the outset that issues around public safety were at the heart of decisions and considerations that were taken earlier, when consideration was being given to the

possibility of shooting kangaroos at the Lawson or Majura sites. I refer to issues around safety and the absolute imperative of ensuring that there was no danger or potential harm to anybody as a result of actions to control the numbers of kangaroos. I refer also to the decision not to use contract shooters but to use darts to euthanise and to potentially remove the kangaroos. That was substituted as the preferred method of control. Mr Stefaniak, I will ask for detailed advice on the very real and serious issue that you raise.

Planning—City Hill

DR FOSKEY: My question is to the Chief Minister. Chief Minister, there was an extensive public consultation process, and even a competition, in 2005 about the future of development in central Canberra and City Hill. The *Canberra Times* was full of photos of design concepts and opinions. Now a little advertisement has appeared in last Saturday's paper advertising an auction for a key piece of land adjoining this site and the advertisement claims that development there will "set the precedent for the development of City Hill". Could you please, Chief Minister, outline your vision for the precinct around and on City Hill?

MR STANHOPE: I thank Dr Foskey for the question. My vision for the development of this particular precinct, and indeed of Civic and Canberra, is very much that expressed in the new planning in relation to the Griffin legacy. The development of section 63, to which you directly refer, will be advanced consistent with that vision and with that plan. There has, Dr Foskey, since the study that you mentioned, been significant additional work done by both the NCA and ACTPLA in concert and partnership in relation to a plan for the development of City Hill and, indeed, for city west, west basin, Constitution Avenue and the parliamentary triangle. There has been significant planning, significant cooperation and continuing consultation, and the consultation continues in relation to different precincts and different plans.

We have most recently of course the consideration of NCA-released plans in relation to the Albert Hall precinct. This notion, and I presume letters from Mr Odgers, a keen advocate of the Walter Burley Griffin Society and the need for us to ensure that the Walter Burley Griffin vision as most recently articulated is accepted and advanced, was the driver for your question and I can assure you and Mr Odgers that all planning and all development within the City Hill precinct, particularly within London Circuit, will remain faithful to that vision and that planning.

MR SPEAKER: A supplementary question from Dr Foskey?

DR FOSKEY: Why, given the government's agreement to a motion in the Assembly in August 2005 explicitly requiring community consultation, are the documents for the upcoming auction of section 63 for commercial development so difficult for the public to access? Do these documents give guidelines for the developers to provide for the public interest in the development?

MR STANHOPE: Thank you, Dr Foskey. Consultation takes many and varied forms in relation to, I think, all of the work that has been done by the NCA, by ACTPLA and by the Canberra Central Taskforce. There has been consultation at every level and

at every turn. I do think it is reasonable to suggest that, in relation to a specific aspect of an overarching scheme, development or plan, whilst there has been serial consultation in relation to a plan generally, when one comes to one particular point in relation to the implementation of that plan or its development we start the consultation again.

One of the, I think, constant laments that we hear is that essentially every minute detail of every step in the implementation of an overarching master plan or plan needs to be separately and repeatedly consulted upon. There has been consultation on every aspect of issues around the development of Canberra. The Canberra Central Taskforce consulted deeply and vigorously in relation to all aspects of the city.

I must say that in relation to section 63 the government is incredibly pleased to be responding to continuing demand for commercial land within the city. This is a very significant site, one of the more significant sites within London Circuit. It will provide for perhaps up to 100,000 square metres of development. It will be a mixed use development. It will have significant impact on the look of Canberra and its continued future development. The government is absolutely determined to ensure that in relation to the development that is undertaken in section 63, having regard to its significance, we ensure that it truly is an iconic building and feature and precinct, and it will be.

The government commits to that and as a result of the overlapping interests of the national capital and the ACT in relation to this particular site, I have absolutely no doubt that the outcome will be, along with many of the recent developments around London Circuit, particularly in City West, the production of a signature building of which we can all be proud.

As our architectural standards continue to rise, as they have in recent years, we now have in the last two to three years in the new developments within Canberra some of the most significant architecture, I think, that has been produced in recent decades. That is a reflection of the significant work that ACTPLA and the NCA have done together and separately in relation to the raising of standards in our building environment. It is a great credit to the previous Minister for Planning, Simon Corbell, and ACTPLA that we have produced the results that are now increasingly becoming evident in the built environment, particularly within the city.

Tharwa bridge

MR PRATT: My question is to the Chief Minister, in his capacity as minister for heritage. On Tuesday afternoon last, on ABC radio, you said in relation to new information relating to the preservation of the Tharwa bridge:

> The advice is that the bridge cannot be preserved or saved or kept upright for less than $10 million.

During the debate on the motion yesterday, I tabled the New South Wales RTA report dated 28 September 2007 which Minister Hargreaves indicated on 14 November 2007 he and his departmental officials had not seen. That report clearly indicates that the

bridge could be restored at a cost of $4.98 million to at least light traffic standard within weeks. Now that you have intervened, does this RTA report alter the statement you made on ABC radio on Tuesday afternoon and repeated in the chamber yesterday? If not, why not?

MR STANHOPE: I can answer the question quite simply. The most recent advice available to me is that in order to restore the Tharwa bridge to a point where it can safely handle light traffic would involve a cost of the order of $10 million. That is the most recent advice I have available.

Mr Pratt: That is different to the $15 million or $25 million that you were talking about yesterday.

MR STANHOPE: That is to restore as is, with a 20-tonne load limit. There are three other options with three other price variables that have been provided to me. They remain the latest advice available to me.

Mr Pratt, if you can actually give me some surety or are prepared to provide a statutory declaration from somebody within the New South Wales RTA that the New South Wales RTA undertakes to restore this bridge for $4.9 million, or the figure you have just quoted, then I might actually outside the chamber approach Mr Pratt with a view to his advocating or being a consultant on behalf of the government to sign with the RTA, which is the only organisation, I am advised, with the skills and capacity to restore the Tharwa bridge, to do the job for $4.9 million. Mr Pratt, if you think you can deliver the RTA to the ACT government for $4.9 million to restore that bridge to a 20-tonne load limit—

Mr Pratt interjecting—

MR STANHOPE: Mr Pratt, I would like to talk to you, perhaps after question time, about the basis of a consultancy or a contract that we can enter into with you. There would probably need to be some clauses in it in relation to the penalty or the default that you might have to deliver if you cannot deliver the RTA to the ACT government for $4.9 million.

I will get on to the RTA. I am sure we will get a firmer price from them. Depending on the outcomes of the consultation, it is very much—

Mr Pratt: Don't wait for me.

MR STANHOPE: We are not. In fact, we are in consultation now. Mr Hargreaves is across the detail of issues on the construction of the Tharwa bridge far more than I am, but I believe the most recent pricing indication the ACT government has received from the RTA in relation to the bridge is that just to remove the trusses—and this was a back-of-the-envelope, informal conversation between officials—without the rest of the restoration would involve a charge by the RTA of $6.5 million. I believe that advice is as recent as two weeks ago.

We are in constant discussion with the RTA. They are the only organisation in Australia, we understand, with the expertise and the capacity. I believe—and I am

going from memory here, so I would have to confirm these numbers—that within the last week, on the basis of discussions between Roads ACT and the RTA, the RTA indicated that a contract fee for the removal of the trusses, just to take them down so that we could begin the process, would involve a cost of $6.5 million before we get to the restoration of the bridge. That is the nature of the advice that the ACT government received. That is the advice on which I have been responding.

My latest advice is that to restore the bridge as is to a capacity to take 20 tonnes will cost in the order of $10 million. That is my advice. Backing that up is, as I say, my understanding of advice most recently received that just to removes the trusses will cost $6.5 million.

MR SPEAKER: Supplementary question, Mr Pratt?

MR PRATT: Chief Minister, regardless of the advice your minister gave on 14 November, did your minister and/or his departmental officials see that report? If they rejected that report, why?

MR STANHOPE: I simply cannot answer what Mr Hargreaves did or did not see or what his officials did or did not see. I understand that Mr Hargreaves has indicated that he had not seen it.

Mr Pratt: Will you take that on notice?

MR STANHOPE: No, I cannot. You can ask the minister. I can ask the minister for you. Mr Pratt has just asked me did Mr Hargreaves see something. I do not know.

I will answer the question now. I do not know, but my understanding is, from statements Mr Hargreaves has given, that no, he did not. I cannot answer for somebody else. But that is the advice.

Mr Pratt: Would you like to take that on notice, Chief Minister?

MR STANHOPE: No. I will give the answer now. The answer is: I do not know.

Belconnen to Civic busway

MR SESELJA: My question is to the minister for transport. Minister, you and the Chief Minister have, over the past year or so, referred to the millions spent on the flawed Civic to Belconnen busway as simply long-term planning to reserve a transport corridor. Indeed, this week in a press release you said in relation to the work—

MR SPEAKER: Order! Who is the question directed to? We do not have a minister for transport.

MR SESELJA: Sorry, the Minister for Territory and Municipal Services. You said:

> This forward planning will allow future Governments to respond to Canberra's changing transport needs. The same process took place with the Gungahlin Drive Extension in the 1960s.

Your predecessor as planning minister took a different view, as does the sustainable transport plan, a plan which is often trumpeted by you. The sustainable transport plan lists as short-term priorities the construction of the Civic to Belconnen busway and the Gungahlin to Civic busway, as well as listing two other busways as medium-term priorities. Minister, are you unaware of what is contained in your sustainable transport plan, or did the government simply change course when it realised what a disastrous waste of money the Belconnen to Civic busway was?

MR HARGREAVES: I am intrigued by the question coming from Mr Seselja when we talk about the busway project. Of course, the busway project is the project whereby land would be set aside as—I think these are the words used; I can be corrected if I am wrong here—a transport corridor.

Mr Seselja: That is why I am asking you.

MR SPEAKER: Order!

MR HARGREAVES: Those words have a mirror. They are in the Liberal Party policy platform, which has not been updated—

Mrs Dunne: Yes, but it wasn't going to cost us $5 million to do it.

MR SPEAKER: Order! Mrs Dunne.

MR HARGREAVES: It has not been updated since July 2004. Mr Seselja ought to tell the rest of the Liberal Party that he has a different view. The rest of the Liberal Party still endorses the policy, which says, "We will provide transport corridors."

Mr Seselja: You don't know the answer.

MR SPEAKER: Mr Seselja, order!

MR HARGREAVES: Mr Corbell, quite correctly, indicated to the people of Canberra that, if we want to look into the future and make sure that we make provisions for land down the major transport corridors, with sufficient land around it also to make sure that there is residential and business development along it, then what we need is to have some land put aside. When you have land put aside, it requires a certain amount of investigation—planning, PAs, environment, heritage, the whole works. That is what was done for the Belconnen to Civic one.

Mr Seselja: You said you were going to construct it. That is what your plan says—in the short term. When is that? Next year? In five years?

MR SPEAKER: Mr Seselja!

MR HARGREAVES: The issue that we need to talk about in relation to Mr Seselja's question is what would happen if we did not put these transport corridors down. I will tell you: there would be no such thing as a discussion around light rail; there would be no discussion around busways.

I was at a meeting just last night where there were some significant transport experts from Victoria—significant transport experts. They were saying that mass passenger transit by bus is exponentially better and cheaper than light rail.

Mrs Dunne: Oh—

MR HARGREAVES: Mrs Dunne chortles away. She chortles—in fact, she is the only person I know who can chortle. She is probably the best chortler this place has had.

MR SPEAKER: Never mind.

MR HARGREAVES: The fact of the matter is that the busway land provision needs to be made; it has been made. Mr Seselja can thrash around as much as he likes but the fact is that he is out of date with his own policies. What we are doing is consistent with the sustainable transport plan. We are doing things that the philosophy—

Mrs Dunne: No, it's not.

Mr Seselja: If you can't do it, say so. Can't you read it, John?

MR SPEAKER: Order! Mr Hargreaves, resume your seat. The opposition will cease interjecting.

MR HARGREAVES: Thank you very much. They are scurrying around like a pack of giggling cockroaches. When the sustainable transport plan was put down, it was put down with an incredible vision—a vision that we respect and we espouse. The question is: when can we do these things? We would love to have light rail. Can we do it? No. We do not have $890 million about our person—last time I looked anyway. But what we can do is plan for and make provision for the future. That is exactly what the busway transit corridor is all about. That is what our future planning is all about. Of course, these guys opposite would say, "Look, it is medium priority. Why don't you do it by next Thursday at half past four in the afternoon?"

Mr Seselja: It is actually short term. You have to listen.

MR SPEAKER: Mr Seselja, I warn you.

MR HARGREAVES: It is becoming of the government to look at the plans that we have from time to time. What we can do we do do; what we cannot do we make provision for into the future. That is exactly it. Mr Corbell and I are united in where we want to be in the future. In fact, when I took over responsibility I actually took on those visions and have to the best of my ability attempted to bring in budgetary provisions to make sure that they come off.

MR SESELJA: I have a supplementary question. Minister, could you point to the part of the Liberal Party platform or policy where there is support expressed for the Civic to Belconnen busway, a claim made by you on radio 2CC this week?

MR HARGREAVES: In listening to the hysterical rantings of Mr Seselja the other day, I thought there was something amiss, so what I did, by myself, because I am not as computer illiterate as my opposite number is, was to look up the Liberal Party policy on the web. I can't speak for the wisdom of Liberal Party policy, but I can tell you what I saw, to my absolute delight.

MR SPEAKER: Order!

MR HARGREAVES: I did need cheering up, so—

MR SPEAKER: Order! The question was not about Liberal Party policy. Come back to the subject matter of the question.

MR HARGREAVES: It was; it was exactly that. He asked: could I point to it? Yes, I can. In fact, I can still do it. We can go to the Liberal Party policy on the internet, at canberraliberals.com.ordinary.

Members interjecting—

MR HARGREAVES: Have you taken it down?

MR SPEAKER: Order! Sit down, Mr Hargreaves. It is out of order to ask questions about Liberal Party policy. You are not responsible for that, anyway.

Mr Seselja: On a point of order, Mr Speaker: the question was about a statement he made in relation to the busway, so it was relevant to the first question and it was relevant to the statements he has made publicly. I was not asking him to give a dissertation on Liberal Party policy. I was asking him to justify the comment he made on radio.

Mr Corbell: On the point of order, Mr Speaker: I think Mr Seselja should reflect on the question he asked because the question explicitly asked the minister where he could point to in the Liberal Party's policy or platform that stated that the Liberal Party supported the busway project. That is explicitly a question about the minister's understanding of Liberal Party policy. Either the minister can answer the question or the question is out of order.

Mr Seselja: On the point of order, Mr Speaker: surely we as an opposition are entitled to hold ministers accountable for their public statements.

Mr Corbell: You asked him in relation to matters they are responsible for.

Mr Seselja: I asked him about his statement.

MR SPEAKER: Mr Hargreaves?

MR HARGREAVES: The reference point for my comment was canberraliberals.com.ordinary, and it was in the transport section of that policy, where

it says that the party endorsed the provision of transport corridors. The provision of transport corridors is exactly what Mr Corbell delivered, and that is exactly what we will deliver over time. Of course, the shadow minister for a portfolio that does not exist actually says, "Oh well, this is a really bad idea." The problem is that, with respect to the bit to which I have referred, unless they have taken it off since I mentioned it, we have seen in black, white and red the most embarrassing thing for Mr Seselja. It is a matter of, "Mate, whoops the chair's empty, the lights are on, there's nobody home, jump in there now."

MR SPEAKER: Order! Sit down.

Aged care

MR MULCAHY: My question is to the Chief Minister. Chief Minister, the recently published Auditor-General's report No 7 of 2007 titled *The aged care assessment program and the home and community care program* contains numerous comments about your government's inability to convert allocated aged care places into beds for clients. It says:

> The ACT is slow at converting the allocation of residential places by the Commonwealth to beds for clients.

Chief Minister, does the government accept the Auditor-General's criticism, and why in six years, given the territory's ageing population, have you not addressed the need to efficiently convert allocated aged care places into actual beds and care?

MR STANHOPE: I thank Mr Mulcahy for the question. In any discussion around aged care beds and the delivery of aged care beds in the ACT you need to look at the base from which we started when we came to government. After six years of Liberal government we find that 14 beds were delivered—two beds a year over six years. That is what we inherited. When we came to government we discovered that in the previous 6½ years of Liberal government a total of 14 aged care beds had been delivered for the people of the ACT, which compares of course to the 114 beds that they cut out of our public hospitals.

It is the same with so many things where one is picking up a service that has been so totally neglected: you start from something of a disadvantage. In that time, however, we have worked hard and assiduously with the commonwealth and with the private providers and the not-for-profit sector to deliver aged care beds and aged care facilities, and we have made tremendous progress—enormous progress.

At the time of the audit that the shadow Treasurer refers to there were in the order of 200 beds that the government, quite frankly, does have a level of disappointment about in relation to their non-completion. That related to significant delays, and this is at the heart of it. If one looked at the circumstances of the situation at the time of the Auditor-General's inquiry and the situation now, and if one looks and explores the beds under construction, planned for construction or for which government approval was being sought, one would see the sequence of beds and their anticipated delivery date, and the response of the Auditor-General might have been very different.

But in the context of those under construction, planned for construction or in relation to which development approval was being sought we would almost be on a par. I accept and I acknowledge that we are not. I accept and I acknowledge that there have been at times some planning impediments—processes that were long and at times tortuous. In relation to this latest report, it is a pity that in Auditor-General's reports there is no explanation of detail—the fact that in relation to the Kangara development, which commenced just two weeks ago on Lake Ginninderra, the development application for that particular 100-bed development and 150-bed independent living unit development was granted by ACTPLA, I think 17 months ago. The time lapse between approval of the development application—in fact the last formal step required of the ACT government and of ACT planning—and the turning of the sod took 17 months, completely outside of the control of the ACT government.

It is unfortunate that it is ACTPLA and planning and the government that are asked to bear responsibility for apparent delays. We see it again in the Auditor-General's report, and it is unfortunate that through the Auditor-General's report the odium falls, as expressed through Mr Mulcahy's question, directly on ACTPLA.

The biggest single development currently underway in the ACT in relation to aged care provision is Kangara—100 beds, 150 independent living units—and the approval was given, I believe, in April last year. It has taken from then till now for the Illawarra Retirement Trust to get its development organised, perhaps to organise its finances—whatever, whatever, whatever. But there was nothing that the ACT government could have done except urge—and I did. I was in correspondence with the Illawarra Property Trust, expressing my concern at the delays having regard to demand of course within the ACT, as the second-fastest ageing population in Australia, for aged care beds.

Similarly with Calvary, the time lapse between final approval and sign-off and the turning of the sod was significant—a significant delay. What this has engendered, however, is a determination to again change the way in which we direct grant land and our approval processes. We will be far more demanding now of providers or potential providers in relation to their readiness and their preparedness to commence work and to deliver beds that are allocated. We will change and we will impose far more stringent requirements in future. I have asked David Dawes to begin the process of changing and turning on its head the sequence of approvals in relation to aged care provision. *(Time expired.)*

MR MULCAHY: Mr Speaker, I have a supplementary question for the Chief Minister. What impact has the government's delay in these conversions had on elderly residents being able to access care?

MR STANHOPE: The government has been rigorous in its attempts to deal with issues. There are always pressures. The population is ageing rapidly. We are attempting to catch up. I think we are doing wonderfully well. Just in the last few months—this goes to Mr Mulcahy's question—these are the projects that have been completed: South Cross Care at Garran, 70 beds and 14 independent living units; Centrecare at Aranda, 15 supportive housing; Goodwin at Farrer, 19 assisted living

units; Tamil Senior Citizens at Isaacs, four supportive housing; Calvary, 48 ILU were completed in the past few months; and Calvary at Bruce, 100 beds and an additional 30 independent living units. That was opened by the Deputy Chief Minister just recently.

There are other projects currently under construction. There is Goodwin at Ainslie, with 103 beds and 148 independent living units. Completion is expected in February 2008. This is my point about the Auditor-General's report. There are another 103 beds to be completed in two months. At Ridgecrest, Page, there will be an additional 24 independent living units; Southern Cross Care, Campbell, an additional 40 beds; and Illawarra Retirement Trust, Lake Ginninderra, 100 beds and 150 independent living units. It was my pleasure and honour to turn the first sod just two weeks ago.

Development approval has been received for St Andrew's at Hughes, and a 74-bed construction is to start this month. At Mirrinjani, Weston, there will be 64 beds; construction started last month. Goodwin at Monash will have 110 beds and 150 independent living units. There is continuing negotiation and some level of dispute between the ACT government and Goodwin in relation to the price of the land.

A development application has been received from the Salvation Army, Narrabundah, which is currently under consideration, for 75 independent living units. United Care, Gordon, is currently designing 110 beds and 61 independent living units. An offer of land has been made to Uniting Care, Gordon. Baptist Community Services, Griffith, is designing 160 beds. The development application is expected in a few months time. The Baptist Community Services, Red Hill, is designing 100 supported housing units. The DA is expected in a few months.

Baptist Community Services, Nicholls, is designing 100 beds and 150 independent living units. We are currently negotiating the formal offer of land for that and expect that to be completed within a month. The Mandir ashram at Farrer is designing 60 beds and 80 independent living units.

That is the work recently completed, the work in hand and the work in relation to which design is currently being undertaken. The above accounts for 516 new beds just constructed, under construction or in design; and 500 independent living units and supported accommodation units under or ready to commence construction. In addition to those numbers I have just indicated, we will suggest an additional 430 beds and 366 supported accommodation units or independent living units, for which development applications are currently being assessed.

It gives some indication of the level of activity within the sector and the seamless planning arrangements currently in place to ensure that we are ahead of the game, we have a land bank and the sites have been identified. They are now there for an application once the beds have been granted. We will be changing the way in which we relate to this sector. There was this notion that there be a direct grant of land and the beds allocated, as was the case with the Illawarra Retirement Trust. It was an allocation of beds which accompanied the direct grant of land by the ACT. Two years after the allocation and after the direct grant—even 17 months after the development application—work has not commenced. We can and will deal with that particular issue.

The position of the government, ACTPLA and the LDA in relation to this is that we have sorted out our game. There are now issues in relation to design and development application financing from the provider's point of view that need to be nailed down so that we are not seeing circumstances in which beds are allocated, direct grants of land are made with a view to work commencing in relation to allocated beds two years after the allocation—

Mr Mulcahy: So you admit it: for six years it's been a—

MR STANHOPE: It has not; you can now see that. We inherited the circumstance: after 6½ years of Liberal government there were 14 beds. Just ponder that. What was it about the period 1995 to 2001—with the most rapidly ageing population in Australia—that the Liberal Party thought it was appropriate to sit on its hands in relation to aged care provision and deliver two beds a year?

Mr Barr: One bed for each government member and their partner.

MR STANHOPE: Yes, one bed for each retiring government member. *(Time expired.)*

Schools—capital expenditure

MS MacDONALD: My question, through you, Mr Speaker, is to Mr Barr in his capacity as minister for education. Can the minister inform the Assembly about school capital upgrades that have occurred in the Molonglo electorate?

MR BARR: Thank you, Mr Speaker, and I thank Ms MacDonald for the question and for her ongoing interest in the ACT public education system. Members would be aware that I have had the opportunity to outline to the Assembly the wide array of capital works that are occurring across Canberra. I think it is very important, as a member for Molonglo, to have the opportunity to talk a little bit about the range of capital works upgrades that are occurring in the electorate of Molonglo.

I am pleased to advise the Assembly that just short of $53.5 million worth of capital upgrades are occurring in ACT public schools across the electorate of Molonglo. In the primary school sector, $25 million worth of upgrades are occurring. I take great pleasure in the range of important work and important developments and upgrades and new facilities that are being provided to schools in my electorate of Molonglo.

For example, at Ainslie primary school we are resurfacing all hard playing surfaces at the primary school and installing a roof safety system. Arawang primary school is having a complete upgrade of the administration areas. The school is being painted externally and the landscaping is being upgraded. Campbell primary school is having a heating and electrical upgrade, landscaping upgrade and roof upgrade. Chapman primary school is getting a new hall, external painting and shade structures for outdoor areas and improvements to the landscaping.

Curtin primary school is having upgrades of car parks and playgrounds. Duffy primary school is having a security upgrade, upgrade of paved areas,

installation of advanced cooling and heating systems and an upgrade of the admin area and the staff room. Forrest primary school is having external painting and a roof safety upgrade. Hughes primary school is having a complete older school upgrade with external painting. Lyneham primary school is having a complete school upgrade, involving their library, their school hall, all of their playground equipment and improvements to the heating and cooling systems.

We have allocated $2.5 million to establish the early childhood centre at Lyons primary. There will be an upgrade of landscaping at Majura primary school; a canteen upgrade and improved disability access at Mawson primary school; $2.5 million for the establishment of the early childhood centre at Narrabundah primary school; external painting and air conditioning in the library at Ngunnawal primary school; completion of the security fencing at north Ainslie primary school, as well as an upgrade of the car park, restoration of the oval and junior and senior playground upgrades.

Palmerston primary school will have external painting and flooring and security upgrades. Red Hill primary school will have a comprehensive school refurbishment. Telopea will have an older school upgrade and an environmental upgrade to improve that school's energy and water usage. There will be a comprehensive school refurbishment at Turner primary school; another comprehensive school refurbishment at Yarralumla primary school with an external repaint and playground restoration and external painting at the O'Connor cooperative school.

In the high school sector, nearly $20 million has been allocated. $4 million has been allocated to Alfred Deakin high for a complete older school upgrade, improvements to security and an upgrade of the staff room. Campbell high will have a complete older school refurbishment, involving refurbishments to their computer rooms and electrical and roof upgrades.

Most importantly, at Lyneham high school there will be a $5 million, state-of-the-art performing arts centre, an upgrade of their gymnasium, an upgrade of their science labs and all of the internal classrooms and, as well, an external paint job. At Stromlo high construction of a gymnasium is part of the government's program to ensure that every government high school in the ACT has a gymnasium and a hall. There will be a complete older school upgrade at Stromlo high.

Moving into the college sector, Canberra College will have a new floor for their gymnasium, internal painting of the entire school, environmental upgrades and upgrades to their art areas. Dickson College will have a complete older school upgrade and an environmental upgrade. Narrabundah College will have a $5.5 million upgrade, with upgrades to science labs, complete refurbishment of the college and a special upgrade for their photography lab.

All in all, there will be nearly $53.5 million worth of upgrades to our public education system in the electorate of Molonglo. As the local member and the minister for education I am very proud to be part of the Stanhope Labor government that is delivering these sorts of upgrades comprehensively across all schools not only in my electorate but across the entire territory. This government believes in investing in

public education and, unlike those opposite, we believe that this money is not throwing good after bad. We support public education and we are backing that support with record levels of investment.

Sport and recreation—Tuggeranong facilities

MR SMYTH: My question is to the minister for sport and recreation. Work has commenced on a new gym in Tuggeranong, on the site sold by the LDA and purchased by the Club Group. It is adjacent to the existing Tuggeranong swimming pool. Does Belgravia Leisure, the current manager of the Tuggeranong swimming pool, pay a dividend to the government? If so, how much is that dividend? What modelling has been undertaken to establish whether the Tuggeranong swimming pool will continue to be able to pay a dividend after the completion of the Club Group's new gym?

MR BARR: I thank Mr Smyth for the question. Yes, Belgravia does currently pay a dividend to the ACT government. I believe it is of the order of $80,000. I will have to double-check that figure, but I am reasonably sure that is the case.

There is an expectation that, as a result of the new facility opening and as part of the contract that the government has with Belgravia, we will have to make an assessment of the impact of that facility on the size of any dividend that Belgravia may pay to the ACT government. That work is currently underway. Of course, the new facility is not in full competition with the Lakeside Leisure Centre, as the range of services and facilities that are available at the Lakeside Leisure Centre are, in fact, much broader than what is proposed for the site opposite.

The government is investing and reinvesting in the Lakeside Leisure Centre. We made an announcement as part of this year's budget for a complete refurbishment of that centre. It is important work. There is no doubt that that centre is starting to show its age and is in need of that refurbishment. I was very pleased, through this year's budget, to be able to provide that money.

In relation to the size and the change in the dividends, we will have to make an assessment based upon the impact. At this stage, we can only assess the potential impact of a facility that does have some competitive elements with aspects of what is on offer at the Lakeside Leisure Centre. Once that information is available, it will, of course, feature in future budgets, and we will make that public at that time.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, what provisions exist in the management contract for the Tuggeranong swimming pool that require the ACT government to renegotiate the contract should the government act in any way to prejudice this pool's profitability? What compensation is payable?

MR BARR: I do understand that in the contract there is provision for a negotiation of the extent of a dividend that is paid by the operator back to the government for the right to operate the facility on behalf of the territory. I do not, of course, have the

contract in front of me, nor do I have the detail that Mr Smyth is seeking. I am happy to take that part of the question on notice and provide that information in due course.

But it certainly is the case, as is the case, I think, with the other swimming pools that are operated under contract by Belgravia and other providers for the government, that there is provision to make assessments of the issues that Mr Smyth has raised. It is not unusual; it is not unique to the Lakeside Leisure Centre. We are going to undertake that assessment with Belgravia in the months ahead. At this point, the new facility has not opened; so it has no impact at this time.

Education—early childhood

MRS DUNNE: My question is to the minister for education. Minister, on the DET webpage there is a link to what is called "Minister Andrew Barr's paper on the importance of early childhood education". When you go to that link you find "The Best Start in Life" and the authorship is attributed to Andrew Barr MLA, Minister for Education and Training. Minister, is this paper all your own work?

MR BARR: This paper was prepared in my office. It is a collaborative effort. I and others in my office have worked on that piece of material. Yes, as is often the case with policy papers, ultimately as minister it is my name that goes on it. But there are others involved in the production of such a piece of work.

MRS DUNNE: Mr Speaker, I have a supplementary question. Why have you passed this paper off as your own work, claiming yourself as the sole author? Is this not plagiarism or perhaps the education equivalent of the Ern Malley affair?

MR BARR: As I indicated in my previous answer, of course a number of people are involved in the production of policy documents. Any member of the opposition would have members of their staff involved in the production of work that goes out under their name. As the minister and the spokesperson for the government on education matters, of course it would go out under my name. There is no issue here at all.

Crime—victim assistance

MR GENTLEMAN: My question is to the Attorney-General. Attorney, can you please advise the Assembly of what steps the government is taking to better integrate services for victims of crime in the ACT?

Mrs Dunne: On a point of order, Mr Speaker; I seek your ruling. There is a debate listed on the program today in relation to victims of crime. I am wondering whether this contravenes the standing orders in relation to anticipating debate.

MR SPEAKER: It is a piece of legislation. The question was specifically about the steps the government is taking.

Mrs Dunne: Does that mean, Mr Speaker, that the minister can't refer to the legislation this afternoon when he talks about the steps that the government is taking?

MR SPEAKER: The minister can refer to whatever steps the government is taking.

Mr Barr: He can't debate the bill.

MR SPEAKER: He just can't debate the bill.

MR CORBELL: I note the Liberal Party's sensitivity when it comes to the Labor Party talking about issues around crime and justice for victims and improving safety and security for the Canberra community. I don't think they are used to the Labor Party asserting itself on these matters.

I am delighted to advise the Assembly that the government is taking significant steps to continue to improve support for victims of crime in our community. As recently as last week, I was pleased to launch Victim Support ACT, a new agency within the Department of Justice and Community Safety, which is creating a one-stop shop for victims of crime in the ACT.

Members would be aware that previously services for victims of crime have been delivered through a range of agencies, particularly through the victims support service, as well as through the role of the Victims of Crime Coordinator and her staff. The government announced earlier this year that we would be integrating those services into a single agency, and the launch of Victim Support ACT last week was the end result of that work.

This new agency brings together the counselling and recovery team from the victims services scheme, as well as staff from the Victims of Crime Coordinator's office, to support victims in the justice system and ensure they receive a more cohesive response. This is a response to the review that the government commissioned late last year. The new agency will make it easier for victims of crime to get services and support from a range of government agencies. The government considers services for victims of crime to be one of the most significant priorities we have in the Justice portfolio.

Establishment of this new agency has been funded in part through new initiatives put in place in the most recent budget, which provided an additional half a million dollars to support services for victims of crime, and in particular to reduce waiting times for people wanting access to our victims counselling services.

I am delighted with the work that has been undertaken by the Victims of Crime Coordinator and her staff. They have shown real dedication in bringing together this new agency. In collaboration with our non-government partners, such as the Domestic Violence Crisis Service, the Canberra Rape Crisis Centre and the Victims of Crime Assistance League, we are in a strong position to provide more comprehensive and coordinated services to victims of crime in our community.

I believe the ACT is a national leader when it comes to provision of services for victims of crime. I recently attended a ceremony at the Supreme Court which involved a twinning project between our own court and the court in Manitoba in Canada, which is also providing a very effective victims support service and domestic violence policy response in their area of Canada. They are regarded jointly as some of the leading

jurisdictions in the world when it comes to coordinating the provision of domestic violence crisis services and support. This, combined with Victim Support ACT, highlights the commitment this government is making to supporting victims of crime, ensuring they have comprehensive and adequate services, and improving the level of investment for victims of crime to make sure we can make a real difference in the recovery and rehabilitation of those people who are victims of crime in the community.

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

Personal explanation

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs): Mr Speaker, I seek leave to make a statement under standing order 46.

MR SPEAKER: You have been misrepresented?

MR HARGREAVES: I have indeed, Mr Speaker.

MR SPEAKER: Okay.

MR HARGREAVES: Mr Speaker, during the no confidence debate yesterday Mr Pratt, referring to a report that he tabled, said:

> This report indicates that after 11 weeks of work—11 weeks—the old Tharwa bridge can be re-opened to light traffic load.

I have examined that report that he tabled and I cannot find that statement—

MR SPEAKER: Now, this is—

MR HARGREAVES: Mr Speaker—

MR SPEAKER: Order! Just resume your seat. I want you to go to the personal explanation and how you have been misrepresented. I do not want to see the issue debated.

MR HARGREAVES: Indeed, Mr Speaker. I seriously am not debating the issue. He went on to say—I am quoting from *Hansard*:

> And not only that: the next 46 weeks of work—it says that right here in this report—can occur whilst the bridge is able to service traffic.

But, again, the report he tabled does not contain the statement. He also said that in the November sittings I was asked whether I—

Mr Pratt: On a point of order, Mr Speaker: Mr Hargreaves is not making a personal explanation about his own position; he is simply repeating the context of a report that I tabled in this place. How is that—

MR SPEAKER: So far he has quoted from *Hansard* but I want him to come to the personal explanation.

MR HARGREAVES: Mr Speaker, I did try to do that before I was interrupted. I will go back. Mr Pratt also said that in the November sittings I was asked whether I or my officials had seen this report and that I declared that we had not. Mr Speaker, my staff have searched the *Hansard* for November and cannot find a record of anyone asking me about the report tabled by Mr Pratt, nor any record of my denial of having seen it. It is gross in the extreme that in speaking to this no confidence motion against me Mr Pratt would say these things. I have been misrepresented.

MR SPEAKER: Order! Mr Hargreaves, you have made your explanation. You have explained—

MR HARGREAVES: Well, I will accept your ruling, Mr Speaker, but it is usually a good idea to wait until someone has finished. Perhaps there was more in there to come—and there is no more.

Mr Pratt: On a point of order, Mr Speaker: I think he is dissenting from your ruling.

MR SPEAKER: No, he is not dissenting from my ruling. I just want to nip this in the bud before we get into another debate about the issue.

MR HARGREAVES: In the interests of time, but also as a secondary issue altogether—this is not under standing order 46—I wish to table—

MR SPEAKER: Order!

MR HARGREAVES: That is concluded. This is another issue, a completely separate issue, Mr Speaker, in my capacity as a minister and having the authority, I believe, to table papers in this place.

MR SPEAKER: You have.

Supplementary answer to question without notice
Belconnen to Civic busway

MR HARGREAVES: I was asked by Mr Seselja to point to where I was able to detect about issues around the transport corridors. I table a record today, from the Canberra Liberals website, indicating that the policy continues of endorsing "reserving transport corridors for future development". I table the following document:

> Reserving transport corridors for future development—Extract from Canberra Liberals Platform, dated July 2004.

MR SESELJA (Molonglo): Mr Speaker, under standing order 46, Mr Hargreaves has just misrepresented what I asked him. I did not ask him about transport corridors; I

asked him to point to the part where we support the Belconnen to Civic busway as he stated on 2CC.

Mr Stanhope: You support them all except that one, do you?

MR SESELJA: What he said was a misrepresentation. I have been misrepresented.

MR SPEAKER: Order! Resume your seat.

Mr Stanhope: So you support anonymous transport corridors, do you, Mr Seselja?

Mr Seselja: We don't support your failed $3½ million busway.

MR SPEAKER: Order, Chief Minister! Order, Mr Seselja! Mr Seselja is already on a warning; we don't want to provoke anything.

Answers to questions on notice and without notice

MR MULCAHY (Molonglo): Mr Speaker, pursuant to standing order 118A I ask the Treasurer why question on notice No 1692 remains unanswered despite the required 30-day period expiring on 25 October 2007 and why a question without notice taken on notice on 29 August in relation to the presentation of comparative charges and budget papers, and another question without notice taken on notice on 18 October in relation to the date on which ACT departments were told to prepare proposals for additional expenditure, also remain unanswered.

MR STANHOPE: Mr Speaker, I apologise for the delay. I will take advice on that immediately and seek an early response to those questions.

Auditor-General's report No 8 of 2007

Mr Speaker presented the following paper:

> Auditor-General Act—Auditor-General's Report No 8/2007—2006-07 Financial Audits, dated 5 December 2007.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (3.32): I ask leave to move a motion to authorise publication of Auditor-General's report No 8 of 2007.

Leave granted.

MR CORBELL: I move:

> That the Assembly authorises the publication of the Auditor-General's Report No 8/2007.

Question resolved in the affirmative.

Home and Community Care Review Agreement 2007
Paper and statement by minister

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women): For the information of members, I present the following paper:

> Home and Community Care Review Agreement 2007 between the Commonwealth of Australia and the Australian Capital Territory in relation to the funding and delivery of the Home and Community Care (HACC) Program, dated 21 May 2007.

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

Leave granted.

MS GALLAGHER: For the information of members I present a copy of the home and community care review agreement signed by the Australian government and the Australian Capital Territory in relation to the funding of the ACT home and community care program. The home and community care program is a joint Australian government and territory initiative under the legislative arrangements of the Home and Community Care Act. It provides funding to permit service delivery to support people who live at home and whose capacity for independent living is at risk or who are at risk of premature inappropriate admission to long-term residential care.

The initial principal agreement was signed between the commonwealth of Australia and the ACT government on 18 September 1985. The commonwealth and the ACT replaced the principal agreement with a reworked written agreement known as the amending agreement in 1999; in turn the amending agreement was superseded by the review agreement signed on 21 May 2007.

The provisions of the review agreement came into force on 1 July 2007. The ACT has responsibility under this review agreement for the provision of home and community care services to people assessed as being within the target population and eligible under the national program. It will enable continued responsibility for ensuring that the national program is managed in accordance with the requirements as set down in the program management manual and the national program guidelines; developing appropriate territory policy and processes for service delivery; providing planning and performance information as required by the agreement, including information for the effective operation of the HACC minimum data set; and adhering to the principles on the delivery of services to Indigenous Australians and people from a culturally diverse background.

The agreement provides for three-year planning cycles supported by triennial plans and annual reporting processes. The review agreement will encourage a more collaborative approach between the commonwealth and territory governments in decision making and implementation improvements in the HACC program.

ACT Health Clinical Privileges Committee—report
Paper and statement by minister

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (3.35): For the information of members I present the following paper:

> Poor clinical practice—Report into allegations against a consultant surgeon by the ACT Health Clinical Privileges Committee, dated 4 December 2007.

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

Leave granted.

MS GALLAGHER: I have decided to take the unprecedented step of tabling a report prepared following the Clinical Privileges Committee of ACT Health's investigation into complaints made against a consultant surgeon who performs a range of plastic and reconstructive surgery at the Canberra Hospital. I have not taken this step lightly. However, given the level of public interest in this matter, I believe it necessary to provide the report of this committee to members to clarify the situation.

The Chairman of the Clinical Privileges Committee wrote to ACT Health on 4 December 2007:

> I wish to advise the review into the matter CPC 07/02 has been concluded.
>
> In accord with section 67 of the Health Act 1993 (ACT, "the Health Act"), I have prepared a Clinical Privileges Report in relation to the matter CPC 07/02.
>
> Separate to the confidential Clinical Privileges Report, given the public notoriety surrounding this matter, I understand that ACT Health has prepared a report on this matter, suitable for public release. The CPC has vetted this report and I can confirm that this report accurately represents the finding and conclusions of the CPC investigation.

I would now like to advise the Assembly of the findings of the report into allegations of poor clinical practice against Dr X, a consultant surgeon. This public report has been prepared by ACT Health in relation to a complaint made by a medical practitioner in the ACT about the provision of plastic and reconstructive surgery services at the Canberra Hospital and Calvary Public Hospital, with a particular focus on the performance of one consultant surgeon, referred to in the report as "Dr X".

Firstly, some background information. ACT Health was first notified of a complaint about the provision of plastic and reconstructive surgery services at TCH and Calvary Public Hospital, with a particular focus on the performance of Dr X, in early September 2006. In mid-September 2006 ACT Health corresponded with the medical practitioner making the complaint, to request that further particulars about the specific nature of the complaint be provided to the newly established ACT Health Clinical Privileges Committee. These were provided to ACT Health by the complainant on

12 April 2007. The ACT Health Clinical Privileges Committee is an approved public sector clinical privileges committee under the Health Act 1993.

The committee was established in September 2006 in order to manage one function, that being the extraordinary review of clinical privileges in accord with the ACT Health policy entitled "Management of a complaint or concern about the clinical competence of a clinician." This committee conducts its review independent of ACT Health management. The Chairman of the Clinical Privileges Committee was first advised of the complaint about the provision of plastic and reconstructive surgery services at TCH and Calvary Public Hospital, with a particular focus on the performance of Dr X, in mid-April 2007 following receipt of all required documents from the complainant.

This original complaint included nine cases. The committee was notified of one additional case in June 2007, five additional cases in July 2007 and one additional case in September 2007. The initial investigation undertaken by CPC members involved a detailed consideration and review of the complaints and corresponding medical records of all 16 cases, as well as other relevant documentation, including reports of investigations conducted by the Community and Health Services Complaints Commissioner and an oral and written response to the complaints that was prepared by Dr X. The committee met in May, September and December 2007 in relation to the complaint.

In October 2007, to ensure a robust investigative process, the Clinical Privileges Committee referred all complaints to an independent expert, Professor David David, Professor of Craniofacial Surgery, Faculty of Medicine, University of Adelaide, for external review. Professor David is a highly esteemed member of the medical community with a history of significant experience and major achievements in the medical specialties of plastic reconstructive surgery and oral maxillofacial surgery. Professor David conducted an external review of the complaints in November 2007.

In accord with the terms of reference of the external review, Professor David's investigation of the complaint involved a detailed review of the clinical records of all 16 cases and other relevant documentation, including reports of investigations conducted by the Community and Health Services Complaints Commissioner; correspondence provided to the CPC detailing the nature of the complaints; Dr X's performance data available from both hospitals; and the written defence, and other relevant documentation, including the curriculum vitae and research publications, of Dr X.

In the review of the clinical records, CPC members and Professor David were guided by the CanMEDS 2005 physician competency framework. The CanMEDS 2005 physician competency framework was developed by the Royal College of Physicians and Surgeons to describe the principal abilities that medical practitioners should be able to display. This framework is oriented to optimal health and healthcare outcomes.

Following Professor David's review, the Clinical Privileges Committee met in December 2007 to reach its final conclusions on the matter and to provide a report to ACT Health. Each of the 16 cases was reviewed independently by the committee and

Professor David. Detailed findings of the review of each of the 16 cases have been made available to ACT Health. It is noted that in seven of the 16 cases Dr X was neither the primary surgeon nor involved in the management of the case and that three of these seven cases did not involve the plastic and reconstructive surgery department.

The three cases that did not involve either Dr X or the plastic and reconstructive surgery department were out of scope for the committee's investigation. These three cases will go through the normal system review undertaken by the clinical review committee of the relevant health facility. For the remaining 13 cases, the complaints in relation to the nine cases that involved Dr X and the four cases that involved the plastic and reconstructive surgery department were found to be unsubstantiated. In addition, the report noted that the management plans in the nine cases that involved Dr X and the four cases that involved the plastic and reconstructive surgery department were found to be reasonable. Subject to sections 123, 124 and 125 of the Health Act 1993 regarding protected and sensitive information, ACT Health is unable to release further details about the complaints or the findings against each case.

The reviews of the clinical records by the CPC and Professor David did not identify significant concerns in relation to patient safety or outcome. The report notes that the overriding impression of Dr X's management of the nine cases was that this was a level of competency expected from a consultant surgeon. The report also notes that Dr X has had very adequate training in the treatment of facial fractures and maxillofacial surgery, that he has participated in continuing medical education in this field and that he conducts surgical audit on his patient outcomes. The report recommends that Dr X's clinical privileges at the Canberra Hospital and Calvary Public Hospital should stay the same; that is Dr X's clinical privileges should not be amended or withdrawn.

It is noted that the two major systems issues arising from the review of the complaints were the requirement for the establishment of a multidisciplinary service at TCH which will provide oral, maxillofacial, plastic and reconstructive services to the community, and the requirement for the enhancement of professional links and collaboration for this proposed service with one of the more established units in Australia.

The above-identified systems issues are being addressed by ACT Health within the context of the implementation of the recommendations arising from the review of the provision of oral and maxillofacial and plastic and reconstructive surgical services in the ACT that was undertaken in 2005. That review was undertaken by an expert panel, led by Professor Bruce Barraclough, the then chair of the Australian Council for Safety and Quality in Health Care, to make recommendations about the appropriate service capacity in these two surgical specialties, the levels of service to be provided and the distribution of services in the ACT.

This review, which evaluated structures, processes and information in order to make recommendations for service improvement, did not assess the performance of particular individuals or teams. This report was prepared by specialist clinicians with the support of another clinician who is considered an expert in the field.

I have tabled this report today to respond in a responsible but in a public way to the numerous, almost daily, raising of allegations of adverse outcomes in relation to OMFS at our public hospitals. These allegations were raised primarily by Mrs Burke—but also by other members of the opposition—in a very public way via media conferences, media releases, media interviews and also repeatedly in this place.

Mr Stanhope: And they were all false.

MS GALLAGHER: The repeated view of the opposition, despite requests—

Mr Smyth: So the patients are false; we made the patients up.

Mr Stanhope: Have you read the report?

Mr Smyth: Have you seen the patients?

Mr Stanhope: Have you read the report—defamatory, disgraceful, shameful.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Dunne): Order! Mr Stanhope, Mr Smyth!

Mr Smyth: So they made it up; they made it up?

MADAM TEMPORARY DEPUTY SPEAKER: Order! Mr Stanhope, Mr Smyth!

Mr Stanhope: Are you going to apologise?

Mr Smyth: Will you apologise to the patients?

MS GALLAGHER: The repeated view of the opposition—

Mr Stanhope: Are you getting rid of Mrs Burke now, Bill? Are you going to do the right thing.

Members interjecting—

MADAM TEMPORARY DEPUTY SPEAKER: Order! Mr Stanhope and Mr Smyth will cease interjecting.

MS GALLAGHER: Thank you, Madam Temporary Deputy Speaker. The repeated view of the opposition, despite repeated requests by me and the acting minister for health at the time not to, was that the services that TCH were delivering were less than optimal patient outcomes, projecting a very public view that something was wrong. This report addresses that view and rejects it.

I believe that questions need now to be asked about the conduct of the shadow minister for health over her involvement and her conduct in this matter. She needs to take responsibility for her behaviour. She should apologise, and if she is unwilling to

do so then Mr Stefaniak should do so on her behalf. I make no additional comments on this matter other than to state that the government accepts the expert advice provided in this report.

I move:

> That the Assembly takes note of the paper.

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

Personal explanation

MR PRATT (Brindabella): Madam Temporary Deputy Speaker, under standing order 46 I would like to make a personal explanation.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Dunne): Are you claiming to have been misrepresented?

MR PRATT: Yes, Madam Temporary Deputy Speaker. A short time ago the Minister for Territory and Municipal Services indicated that he and his staff had searched the web to look for a question that I had asked on 14 November about a particular New South Wales RTA report. He said that he and his staff had not been able to find that question that I had asked here in this place about such a report.

The implication there was that I did not ask the question. I would like to read back into *Hansard* a part of the question that I did ask on 14 November:

> In particular, a number of engineers from the New South Wales RTA have prepared a report that concludes that the Tharwa bridge is not "beyond economic repair" and that it can be repaired to at least light traffic load within a much, much shorter period of time than it would take to build your new concrete bridge.
>
> Minister, what analysis has your department undertaken of the New South Wales RTA report about the future of the Tharwa bridge? What was the outcome of that analysis? Will you table this report by close of business tomorrow?

Mr Stanhope: Where were you misrepresented?

MADAM TEMPORARY DEPUTY SPEAKER: Mr Stanhope, I have already spoken to you on this subject. If you do it again, I will warn you.

Mr Stanhope: Point of order, Madam Temporary Deputy Speaker: this is a personal explanation. Where is it that the member claims to have been misrepresented? What is the misrepresentation?

Mr Smyth: Hargreaves misled the Assembly.

MADAM TEMPORARY DEPUTY SPEAKER: Mr Smyth, I can do this without your intervention. Mr Pratt said that he wanted to respond because of something that Mr Hargreaves said. Mr Hargreaves said that he could not find a reference to a

question and Mr Pratt is now reading from the *Hansard* a question that he referred to yesterday in debate.

Mr Stanhope: Point of order, Madam Deputy Speaker: Mr Hargreaves did not say that the question was not asked; what he was disputing was the interpretation that Mr Pratt put in his question today on Mr Hargreaves's answer to the question.

Opposition members interjecting—

MADAM TEMPORARY DEPUTY SPEAKER: Sit down, Mr Stanhope. I have heard your point of order and I heard what Mr Hargreaves said. Mr Hargreaves said in this place after question time that his staff had searched the *Hansard* and could find no reference to the question that Mr Pratt asked. Mr Pratt has just come in here to say that he has found it. He is setting the record straight. Are you finished, Mr Pratt?

MR PRATT: Just to finish this clarification off, this personal explanation.

Mr Stanhope: Point of order, Madam Deputy Speaker. Mr Hargreaves did not say that.

MR PRATT: You must be desperate, Chief Minister.

Mr Stanhope: Mr Hargreaves said that—

MADAM TEMPORARY DEPUTY SPEAKER: Sit down, Mr Stanhope.

Mr Stanhope: No, you are quite wrong, and the *Hansard* will reveal that you are wrong.

MADAM TEMPORARY DEPUTY SPEAKER: In that case, if you question my recollection of the *Hansard*—

Mr Stanhope: I do.

MADAM TEMPORARY DEPUTY SPEAKER: I will go back and review the *Hansard* and I will set the record straight if I am wrong, but at this stage my ruling is that Mr Pratt is entitled to make a personal explanation under standing order 46. If you interrupt again, I will get very annoyed with you and I might use the standing orders against you, Mr Stanhope.

Mr Stanhope: Point of order then, Madam Temporary Deputy Speaker: on what basis can you make those sorts of threats against me for taking a point of order?

MADAM TEMPORARY DEPUTY SPEAKER: Because, Mr Stanhope, the point of order has been addressed on a number of occasions and it is coming to the point where you are making frivolous points of order to interrupt the proceedings of the house.

MR PRATT: On the point of order: the Chief Minister should respect the office of the chair.

MADAM TEMPORARY DEPUTY SPEAKER: Have you finished, Mr Pratt?

MR PRATT: No, I have not.

MADAM TEMPORARY DEPUTY SPEAKER: Do you want to finish your statement?

MR PRATT: I do, thank you, Madam Temporary Deputy Speaker. So the question was asked. Consequently I invite the minister to come back here and apologise for misleading, before he is censured again.

MADAM TEMPORARY DEPUTY SPEAKER: All you need to do is set the record straight, Mr Pratt.

Paper

Mr Stanhope presented the following paper:

> Woden East Joint Venture—Ministerial statement, dated 6 December 2007.

Land release
Discussion of matter of public importance

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Dunne) (3.51): Mr Speaker has received letters from Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Mr Seselja, Mr Smyth and Mr Stefaniak proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Seselja be submitted to the Assembly, namely:

> Land release in the ACT.

MR SESELJA (Molonglo) (3.52): In 2004, then planning minister, Simon Corbell, made the following comment in the Assembly regarding the creation of the Land Development Agency:

> Key aspects of the 2003-04 land release program include improved housing affordability with the government ensuring a fair supply of land at an affordable price whilst protecting the territory's major land assets, and the government, through the LDA, has created an aged care land bank to meet the needs of the aging population.

Just three years ago, the LDA was created to assist in the delivery of affordable land to the Canberra community. Where are we now? The government has completely failed to deliver on this critical aspect of community life.

According to the Demographia international housing affordability survey, nearly 90 per cent of the increase in housing costs is attributable to land price inflation,

which has risen at double the rate of the most escalating component of the consumer price index. In 2003, the median house price in the ACT was $312,000; in 2007, the median house price, on one measure, is $426,000. In a recent article in the *Canberra Times*, we saw that the entry price for a standard block of land in Canberra was around $200,000; an equivalent block in Melbourne was around $155,000.

In August 2006, Reserve Bank governor Ian Macfarlane, testifying before a parliamentary committee, blamed restrictive land use and planning policies for loss of affordability for first home buyers. More than any other jurisdiction, the ACT government has the ability to manage land release. Recent figures suggest that the land release crisis has pushed Canberra above national averages, outstripping other state capitals, including Hobart, Brisbane and Adelaide.

The human face of these numbers is the disgraceful oversubscription of the recent land ballot. This event left 650 of the 700 applicants walking away with nothing. The response of the Chief Minister? He implied that they are too fussy. He said:

> The oversubscription of potential buyers for 51 residential blocks of land to be sold at Franklin this weekend said as much about the quality of the blocks as about pent-up demand.

What he is saying is that they are simply too fussy. The land that the Chief Minister referred to will not sell because even seasoned industry professionals say that the blocks are overpriced by up to $40,000—not that the government need to worry about that; they can afford to sit and wait until desperation takes hold and families take on higher mortgages than they can afford. Others will simply be forced out of the market for good or forced to leave Canberra.

The action that we have seen from the government has simply been spin and photo ops—photos of the Chief Minister standing in front of a display village that has no land to build on, and photos of the planning minister standing on land that will not be developed this year, and perhaps not even next year.

All of this is aimed towards one goal—painting a picture for the Canberra community that everything is okay, that the government is making progress, that the situation is under control. Well, it is not, and any one of the 650 people who walked away from the last land ballot will tell you that the situation is not under control at all. This is not to mention the thousands of others who do not bother registering because it is out of their price range.

We have heard references to the land bank by the government, yet we see no results. Where is the land bank? If it exists, why is it not being wheeled out to deal with the problem? The so-called land bank has been a failure. The work has not been done. It is the young families of Canberra that are paying the price.

We can look to the new planning minister for answers, but unfortunately none will be found. The planning minister was recently asked at a public forum how many blocks are available right now for sale. His answer: "3,200." When asked the same question in the Assembly, he said, "No, that's not right; I meant 3,200 this year." What is the

truth? Did he not understand the question? I think not. I think he understood the question just fine.

The planning minister was and is still embarrassed by the answer. This was confirmed by the officials sitting with the Chief Minister at the annual report hearings when asked how many blocks were for sale as of that day. It was none—not even one. This was corrected by other officials who informed the committee that there were in fact a few blocks available. However, that has not stopped young Canberrans from being forced to sleep outside to try and secure their future.

The Assembly should note that recently a disallowable instrument was introduced to allow for over-the-counter land sales. Why was this necessary? When the question was asked by my office, the response was that until it was introduced it was actually against the law to sell land over the counter to the ACT community. Against the law to sell land over the counter! Doesn't that send a message to the young families and participants in our economy? This government made it illegal to sell land over the counter. After six years of failure, they are scrambling to make up lost ground.

But just how quickly have they acted? Two examples demonstrate how slow the government has been to respond. I just mentioned the first—only now acting to allow over-the-counter sales. The second came with the second appropriation bill. The government appropriated $1.4 million for accelerated land release activities. "This initiative will deliver an accelerated program for the supply of residential land to the market over the next two financial years" is what they said. It has taken them until December 2007 to beef up ACTPLA's resources to accelerate land release. What an admission of failure. We see it only now, well after the significant increases in demand that we have seen. Only now do we see them moving to appropriate extra money for accelerated land release. That appropriation is an admission of this government's failure. It is an admission that they simply have not done enough to speed up land release to keep up with demand.

The government want us to believe that this issue is a serious priority for them. Clearly, the busway, the prison, the arboretum and the Grassby statue, to name a few, have all been much greater priorities.

With regard to commercial land release, this government has been under constant fire to take action to adequately supply a thriving market in the city. Whilst the Chief Minister will spruik that his economic management is the key to the property market in the ACT, people in touch with reality realise that the expansion of the federal government is what has provided the boost in the city. The ACT government has failed to even facilitate this growth. It does not need to create it; it just needs to make sure that it manages it. Not enough land release, a plan to strip away car parks, ripping the heart out of ACTION, increasing rates and charges—these are the actions of a government that expounds its support of a thriving economy.

When the government did release sites in the city, it did not even tell anyone. QE II, the most sought after site in Civic for some time, was tacked onto another project in Gungahlin. How on earth can that be considered a reasonable method of land release? Why would you seek to hide your best assets? The Property Council said:

> It's therefore disappointing to see that deals have been done behind closed doors and in a situation where it ensured that no one else was able to compete because the LDA has failed to release any alternative sites.
>
> The process for the sale of the QEII site was also flawed in that a prime commercial site in the city was never advertised for sale …
>
> This process must never be repeated.

We have seen another admission of the government's failure in relation to commercial land release; with the announcement of the release of section 63, they were at great pains to demonstrate how open a process this was going to be—how it was going to be an open auction rather than the closed-door activities, lack of advertising and tied to a totally unrelated development in Gungahlin that took place with QE II.

Through its changes to the way that it is going to release future sites, the government has finally acknowledged the fact that this was a flawed way of releasing commercial land. We have seen significant increases in the demand for commercial land. Once again, the government has been very slow to respond to that increase in demand.

Whether it be commercial or residential land release, this government has failed to deliver. Industry has suffered, but most importantly the young families of Canberra have suffered. The Liberal Party, the opposition, believe in competition in the market as a way of moderating prices. This government has deliberately stifled competition. We believe that a genuine, responsive land bank is not just possible but essential. The government have given up on it.

In a press release talking about aged care facilities, Ms Gallagher said that land shortages are also behind the bottlenecks in the system—that there have been delays in releasing land but that should be resolved soon. We have a government that is six years into its tenure but is still not able to coordinate a land release policy in such a way as to facilite sufficient aged care facilities in the ACT.

What a disgraceful situation. We have one minister essentially blaming another portfolio for the failure in the provision of aged care in the ACT. What an unbelievable situation when we have the Deputy Chief Minister essentially having a go at her colleagues and highlighting what is in fact the truth of the situation. The truth of the situation is that this government has failed in its land release policies, whether in the commercial area, the residential area or—as stated by Ms Gallagher and confirmed by Ms Gallagher—when it comes to the provision of aged care facilities. There can be no doubt that this government has failed in this area. There can be no doubt that many Canberrans—whether it is those seeking aged care accommodation, young families looking to buy their own home or those in industry—have suffered as a result of this flawed policy.

We believe in competition in a market as a way of moderating prices. This government has deliberately stifled competition. We believe that a genuine, responsive land bank is not just possible but essential—and this government has given up on it. We believe that this government has failed comprehensively with its land

release policy and that thousands of young Canberrans are missing out on their chance at the great Australian dream as a result.

This matter of public importance is a call to action for this government. We are sick of hearing about what they are doing; we want to see some results now. We do not want to see the spin about what they are doing. We do not want to hear about long-distant developments and land releases; we want to see some action now. We want to see improvements in the system. We want to see a more responsive system in the—

Mr Barr interjecting—

MR SESELJA: Mr Barr wants to talk about other things. He certainly would not want to talk about land release policy. He would not want to talk about it because he gets it wrong when he is asked about details when it comes to land release policies. He certainly would not want us to ponder the complete failure of this government in land release policy. He would not want us to ponder what a significant impact this policy failure has had on thousands of young Canberrans—thousands upon thousands of young Canberrans who simply want to get into the market.

People are not too fussy, unlike what the Chief Minister implies. The people I speak to will take virtually anything they can get into; they will come in at the absolute bottom of the market. But many of them cannot even afford to get into the bottom of the market—and if they can afford to get into the bottom of the market, they are lumped with a sizeable mortgage these days just for a fairly basic three-bedroom home in the outer suburbs of Canberra. This is not a flash new home; these are 20-year-old homes in places like Charnwood and Holt or places like 10 and 15-year-old homes in places like Banks and Gordon. These are not flash homes. Young first home buyers, in my experience, are not generally fussy. They are keen to get into the market. They are keen to enjoy what many of us do—have the ability to own our own home, have the security and often the long-term prosperity that goes with that.

There is a key part of the market that is suffering. There is a key part of the community that is suffering. It is a result of this government's policies. There have been other factors, but they have not responded to them as quickly as they should have. As a result, the outcomes for young Canberrans in particular have been very severe.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (4.05): I welcome this opportunity to discuss a subject that plays a crucial part in allowing the government to meet its economic, environmental and social goals. I regret, however, that those who have proposed making land release a matter of public importance today are, I fear, actuated not by a genuine desire to explore the issue but by a desire to simplify and distort.

Land release is part of the complicated equation that affects the affordability of the roofs over our heads; the sustainability, shape and structure of the city; the provision of services; and investment in infrastructure. The overall thrust and intentions for the

release of land in the ACT are set out in the government's land release strategy. In November 2006, the Chief Minister's Department released the government's 2006-07 to 2010-11 land supply strategy, which detailed the extent of residential, commercial and industrial land the government intended to release over five years. The government is currently finalising the 2008-09 to 2012-13 land supply strategy. These strategies are designed not only to support the government's policy objectives but to guide property developers, builders, home owners, investors, community organisations, and the business and industry sectors.

Anyone who thinks that tackling demand is simply a matter of dumping new land on the market, out of sequence and with no consideration for those listed above, is dangerously naive. Of course, any strategy needs to be flexible enough to ensure that land releases can reflect changes in a cyclical market. But to imagine that pent-up demand can be satisfied in a matter of months is fanciful. So is imagining that the ACT government ought to have somehow been able to intuit that the commonwealth was about to massively boost the size of the public service and be able to respond overnight to the spike in demand.

The key principles guiding the strategy are that land supply should promote economic and social development; achieve optimal benefits for the community from the government's land holdings; provide an appropriate choice of land and housing options and assist in the provision of affordable housing; allow a private land development market to operate competitively; balance new land releases with medium-term demand growth while ensuring sufficient flexibility to absorb short-term fluctuations, and avoid rapid land price changes; ensure that future investment can be made with relative certainty about the land supply and prices; and contribute to the vision, set out in the Canberra plan, of a city that represents the best in Australian creativity, community living and sustainable development.

The government is aware of the strong levels of growth being experienced in the ACT and region and the subsequent increased demand for new homes, office space and retail and service industries. In addition to this increasing demand, the government is conscious of an existing unmet demand for new premises. The government's objective is to ensure that sufficient residential, commercial and industrial land is available on the shelf, able to be released in a relatively short time frame because the appropriate planning is in place to allow a quick response to changes in the demand for land.

But this is never going to happen overnight. Even if it could, the consequent impacts on past investments made by both developers and individual housholders would need to be considered. I doubt that Mr Seselja would care to cop a massive reduction in the value of his own home, or any other properties he may have an interest in, if the government tomorrow released around the corner from him a tract of cheap land that would utterly eliminate pent-up demand for housing blocks.

The current strategy calls for the release of 105,000 square metres to 180,000 square metres of commercial office space and 25,000 square metres to 40,000 square metres of industrial land over the next five years. In 2007-08, the commercial and industrial program proposes the release of over 133,000 square metres of land to meet current

high levels of demand, comprising 55,000 square metres of commercial land and 78,000 square metres of industrial land. To ensure that industrial land is available in future years, the government is undertaking two major planning studies of vacant land in Hume and Fyshwick.

The land release strategy is designed to complement and support the government's affordable housing action plan 2007, which was released in April 2007. The action plan is a package of initiatives that will assist in relieving upward pressure on house prices by boosting the supply of rental accommodation, easing entry into the market for home buyers, placing greater emphasis on community and not-for-profit housing and making more effective use of the territory's public housing.

In particular, a major strategy of the action plan is the release of more land onto the market. The action plan also requires 15 per cent of blocks released each year to target house and land packages within the $200,000 to $300,000 price range, with 10 per cent of land priced from $60,000 to $120,000.

As the Assembly is aware, the government has recently increased the number of residential sites to be released from 2,200 to 3,200 to meet strong levels of demand. In addition, the private sector is expected to complete in excess of 1,000 multi-unit apartments.

The ACT government has accelerated its residential land release program, which is aimed at delivering land well above demand levels in order to not only meet underlying demand but also absorb any unmet demand, have a positive impact on housing affordability, and allow the government to develop an inventory of serviced sites and build a supply of release ready sites which are available for sale within a short time frame. But success will take time. As I said before, few Canberrans would be applauding if the upshot of our strategy were to drive down the value of the investment for thousands upon thousands of Canberra households.

The current land release strategy calls for the release of sufficient sites to meet a demand for between 11,000 and 14,000 residential housing sites over the next five years. Recent large residential land releases include west Macgregor in April 2007, an englobo release of 550 dwellings sold to the Village Building Co; the Woden east joint venture with Hindmarsh in April 2007, with 500 dwellings to be delivered over the next seven years; and the Crace joint venture with Crace Developments, sold in November, for 1,200 dwellings to be delivered over the next five years, 15 per cent of which will be affordable.

Upcoming large land releases for residential include Casey 1,with 700 blocks to be released next week as an englobo sale; section 63 in the city, with an auction next week, including a residential component; and the Forde joint venture with Forde Developments Pty Ltd with its ongoing land releases.

Upcoming LDA residential sales include Bridgewater at Franklin, with 1,400 blocks in total from February 2008, with some 200 blocks to be released via ballot. There will be future ballots in March and April 2008 at Bonner, which will have 2,300 blocks in total, with the first release from stage 1 of Bonner in May 2008; and

Ginninderra Ponds. In Dunlop there are still some 50 residential blocks for immediate sale.

In Molonglo, the government is continuing to work towards the first release of land in the Molonglo Valley during 2008. The Molonglo Valley will eventually offer housing for over 70,000 residents and set new standards in suburban design and development. Concept planning for suburbs 1 and 2 in Molonglo is currently underway. The government is aiming to have the first blocks released in north Weston in 2008-09.

It is important, as we focus on the government's release mechanisms, that we also acknowledge that land is already in the builders' and developers' pipelines. The builders' pipeline indicates the supply of serviced dwelling sites that are awaiting construction, under construction or completed and unoccupied. The developers' pipeline refers to the supply of dwelling sites that are in the hands of developers. The pipeline includes land where an estate development plan has commenced and land that is either awaiting servicing or being serviced. The number of dwelling sites in the builders' pipeline is 2,974, with 4,950 in the developers' pipeline. This means that the number of blocks currently held by builders equals some 3.5 years demand for new single dwellings while the number of multi-unit dwelling sites is equal to 1.9 years worth of demand.

The government will continue with its accelerated land release program, but it will do so with appropriate monitoring and in a responsive and responsible manner.

While the discussion to date has focused on land release, I would assert that the issue of housing affordability is a much more complex matter, and the problems being experienced by some households in the ACT cannot simply be blamed on short-term land supply issues. Reasons for rental increases are complex and many, but a central driver is market cycles of supply and demand.

Figures released by the ABS on 4 December 2007 indicate that the estimated resident population grew by 1.7 per cent for the year ended June 2007, the highest annual growth rate since March 1993. The strong growth in population reflects the excellent employment prospects currently enjoyed in the ACT, as well as efforts by the ACT government to attract workers through the skilled and business migration program and Live in Canberra.

Despite this high level of population growth, the ACT's rental vacancy rate is the highest in the nation. According to the REIA, the rate was 2.4 per cent in June 2007. Declining housing affordability is a major policy issue that is confronting governments all around Australia—indeed the world.

The housing and rental markets continue to be tight, with demand being driven by strong economic growth and continued expansion of the commonwealth public service. On this last point, I mention that the most disappointing factor surrounding the large employment growth in the commonwealth public service in recent years was a lack of consultation with the ACT. This has made it very difficult from a planning perspective to achieve the most appropriate land release strategy and subsequently places enormous pressure on the affordability of housing in the ACT.

The sudden and substantial expansions of commonwealth public service employment in the last two budgets have put pressure on the ACT housing market and increased demand for purchase and rental properties. It is relevant and pertinent to say that, if the commonwealth had engaged the ACT, we may have been able to smooth some of that spike. Despite that, the ACT government has responded quickly and comprehensively to the very high demand for housing in the ACT. I expect that the new Rudd Labor government will be more consultative with us on these issues.

I also mention the ongoing impact of continuing high demand for housing. Ian Macfarlane, former head of the Reserve Bank, was quoted in the *Financial Review* on 17-18 March 2007 as follows:

> … why have the prices of the eight million houses in Australia basically doubled in the last decade? The answer … is almost entirely on the demand side.

In addition, the market and, importantly, interest rates and long-term economic stability have added to the current affordability problem for some potential home buyers. Substantial increases in purchasing power led to intensive competition for established housing in existing inner and middle ring suburbs as owners increased equity in their dwellings. This has had the effect of pushing up other property prices.

I also note that the key driver of cost in recent months has been interest rates—not house prices; interest rates. Since 2004, house prices have grown by less than household incomes, with the effect of improving affordability. In other words, in the absence of interest rate increases it would have been easier for households to enter the housing market. Since 1996, during the time of the Howard government, interest payments on the average mortgage have grown by 31 per cent of average individual earnings to 39 per cent of average individual earnings. That is the most significant statistic in relation to housing affordability currently—that since 1996 interest payments on the average mortgage have grown from 31 per cent of average individual earnings to 39 per cent of average individual earnings. That is the great legacy of John Howard and the Liberals, including the Liberals in this place.

I also point out that the Real Estate Institute of Australia home loan affordability results for the September quarter 2007 show that the ACT continues to have the most affordable home loans in the country. According to Peter Blackshaw, in the ACT the proportion of family income required to service the average home loan is 20.7 per cent, well below the national average of 36.6 per cent and the lowest in Australia. According to Peter Blackshaw and the REIA, the median house price in Canberra fell 0.4 per cent in the September quarter 2007. In the year to the September quarter 2007, the median house price in Canberra rose by eight per cent.

In addition, the following shows that the housing sector continues to be strong. The vacancy rate for all rental dwellings in the ACT rose from 1.3 per cent in the March quarter to 2.4 per cent in the June quarter 2007. Median house rents rose by 2.2 per cent in the June quarter. Despite interest rate rises, the housing market remains resilient and vibrant. ACT housing finance commitments for owner occupiers rose at a healthy annual rate of 20.9 per cent in September 2007, well above the national

annual trend rise of 3.5 per cent. In the ACT, the housing finance commitments for owner occupiers rose by 20.9 per cent in the September quarter, against the national 3.5 per cent. The trend number of ACT residential building approvals grew by 1.8 per cent over the year to September compared to the previous 12 months.

The government nevertheless recognises that for some people it is difficult to buy or rent a house in the ACT. There is no denying that. For some there is significant stress. It is for that reason that the government released the affordable housing action plan. The affordable housing action plan is a comprehensive and wide-reaching plan to address housing affordability in the ACT and help Canberrans at all points on the accommodation spectrum, from home buyers and private renters to public and community housing.

Some of the initiatives are increasing the supply of affordable land to the market; regular englobo land sales; over-the-counter sales of affordable housing blocks; streamlining land release and planning approval systems; providing new house and land packages; a major expansion of community housing; making more effective and targeted use of public housing; an initiative through institutional investors to increase the supply of private rental dwellings; ensuring the supply of sufficient land to meet increasing demand; land rent and shared equity schemes; and targeted stamp duty concessions.

I mentioned the land release action. The government is currently successfully implementing key actions in the action plan, including the adoption by ACTPLA of the planning guideline on compact block housing for new estates; expanded eligibility criteria for the homebuyer concession scheme; conveyance duty deferral through the Revenue Legislation (Housing Affordability Initiatives) Amendment Act; expansion of Community Housing Canberra, and a new chair in Ross Barrett; and more effective and targeted public housing programs to ensure that top-priority applicants are housed within three months.

We backed up those initiatives with substantial resources in the 2007-08 budget. There is $375,000 to coordinate and implement the plan; $300,000 to ACTPLA for detailed planning for future land release; $20,000 for a new annual award to recognise excellence in sustainability; reduced stamp duties for first home buyers; deferral of stamp duty for eligible purchasers; the provision of $4.3 million to Housing ACT; and additional allocations to justice.

It is understandable that people are keen to immediately obtain the new affordable housing land packages and other products, but it is not a quick fix; it is something we will achieve over time. *(Time expired.)*

MR SMYTH (Brindabella) (4.20): I thank Mr Seselja for putting this MPI on land release on the agenda so that we can have a discussion about what is happening in the ACT. It is a shame that the Chief Minister has missed the whole point. It is about land release; it is about supply.

There was a housing affordability industry briefing in August this year, following the release of the UDIA state reports on housing affordability, that brought together

a number of experts from around Australia and from around the world to discuss the problem and the solutions. It might help the Chief Minister if he looked at—and I am happy to provide him with—copies of the PowerPoint presentations.

When you talk to somebody like Rod Fehring, the CEO of Lend Lease ventures, about housing affordability and the future of our cities, he simply says that the conclusion is that we need supply-side initiatives. That is what Lend Lease sees as the issue. When you go to a group like the AV Jennings group, they say the fundamental need change is reforming of the planning systems to speed up rezoning and DA. They lay the blame fairly and squarely mostly on state and local government-induced problems. If you do not want to believe that side of the argument, go to the other side of the argument where John Stewart, who is the Director of Economic Affairs for the Home Builders Federation of the UK, basically says, referring to the dimensions of the undersupply, its total numbers are inadequate and supply is unresponsive to demand.

If you are not happy with those three experts, then of course we have got a local expert who tells us what the real problem is, and that is the Deputy Chief Minister. On 30 November, Ms Gallagher said land shortages are behind the bottlenecks in the system. That is the problem: land shortages are behind the bottlenecks in the system.

I am not normally into conspiracy theories but I can see a good one emerging here because we have those immortal words of the then Treasurer Mr Quinlan who infamously said to business on 17 March 2005, "I will squeeze you until you bleed, not until you die." There is the policy direction: squeeze until you bleed but not until you die. What did we see in regard to land release happening at that time? This is in March 2005. You have to look. Did they squeeze? The answer is yes, they did. In the 2004-05 financial year, single-block sales in the ACT were 1,488. In March 2005 Mr Quinlan made his statement that he was going to squeeze this market until it bleeds. What happens in 2005-06? It drops from 1,488 blocks in 2004-05 to only 579 blocks sold. It is almost 1,000 fewer. The government deliberately took 1,000 blocks out of the market. In 2006-07, having realised their mistake in 2005-06, they bumped it back up to 1,587 blocks for sale.

If you look at the last six years, since we left office, in 2001-02 it is 1,200 blocks; in 2002-03, 1,000 blocks approximately; in 2003-04, 1,200 blocks, call it; in 2004-05, 1,500 blocks; in 2005-06, 600 blocks were put up for sale; and in 2006-07, almost 1,600 blocks. What is the source of that? It was signed off by the Chief Minister himself in answer to a question in relation to the budget.

The government took those decisions at a time when there was a crisis approaching. And we know that the crisis was approaching. I hear the Chief Minister bleat, as he does so often, "Nobody told me. Why did John Howard not get on the phone and tell me there were going to be a couple of thousand more public servants?" Jon, get your act into gear.

Because of the failing relationship that the Chief Minister has with most of his colleagues at the federal level, he also ignored the reports that litter the offices in this place. The previous Liberal government had a task force on poverty. It saw housing as an issue back in 2001. This government had a task force that reported in December

2002. There was a task force report in December 2002. Then we got a progress report on affordable housing in the ACT on 30 June 2005. Mr Pratt, look whose fingerprints are on this—it was authorised by Mr Hargreaves.

In 2001, 2002 and 2005 there was so much warning of the impending disaster. And what was the policy initiative taken by the government? "Squeeze them till they bleed but not until they dry and tighten the supply side" is the answer. That is it.

Mr Barr is here. I am sure he will, as the planning minister, get up and speak in a minute. I hope so. I hope he is going to lend his book on economics to Mr Stanhope, because he obviously does not understand the difference between supply and demand. The Chief Minister can whinge and whine as much as he likes but, as has been said by the experts at the housing affordability industry briefing, this has been caused by the states. It is mostly state and local government induced. That is the problem with housing affordability.

If you look at the report of an independent group who does an assessment on a regular basis of housing affordability, the UDIA state reports on housing affordability, at page 66 from June 2007 there is a chart, at figure 45, which shows that in 2001 in central Canberra, north Canberra and west Canberra everything is judged as affordable. By the end of 2006, in central and north Canberra there are serious constraints on affordability; and in west Canberra they are in affordability crisis.

We have had three reports at least to the government—in 2001, 2002 and 2005. We had the policy statement that the government intends to follow, which is to squeeze the market, a deliberate manipulation of the market. And what does it result in? It results in the blow-out of housing affordability. Whose fault is it? It is the government's fault.

The Chief Minister can bleat all he likes, but his answer to the problem is: "They are fussy. It really is affordable." That shows how arrogant and out of touch the Chief Minister is. If you have got teenagers or young people in their early 20s in your family and they are looking for a house, they can tell you how tough it is. Perhaps Mr Stanhope should go to one of the auctions, one of the ballots, where 700 people turn up for 50 blocks. "But it is because they are fussy that they do not get blocks." It is always somebody else's fault. This Chief Minister does nothing wrong, according to the Chief Minister, and that is the problem.

Even in question time today he was talking about the Illawarra Retirement Trust and it taking 17 months to build, from the completion of the DA, the approval of the DA, to the sod-turning. The government has powers. Perhaps the minister, when he stands, will tell us what he did to enforce the covenant that says you must start construction within 12 months. Why were they allowed to get away with it? Does it highlight that there was a flaw in the process that picked an inappropriate body to build something that they could not do in the terms of their agreement?

There were court cases over this issue because some local builders were overlooked and it went to the Illawarra Retirement Trust. They guaranteed that that trust could start and complete on time. Here we have, yet again, the Chief Minister bleating about

the private sector letting them down. Perhaps the government made the wrong choice. I think both ministers should answer whether or not enforcing the lease that the trust was issued with was looked at. Why is it that they were allowed to stall for 17 months?

There is the Calvary hospital debacle presided over by ministers Stanhope and Corbell. Here we have the Chief Minister slandering Calvary, saying, "It is all their fault that it took so long. We gave them a DA, but they did not do anything with it." It is just not true. They waited and waited, year after year, after the initial approval for that sale was given in August 2001. I was in the cabinet when it was made.

Here we have the government's response. The government have reports in 2001 and 2002 and a progress report in 2005, saying there is a problem coming. They know there is a problem; they have recognised there is a problem; they purport to have solutions but they fail in the most fundamental solution, which is to address the supply side. Minister Gallagher got it right. She will probably get chastised for this by her Chief Minister, but Ms Gallagher says—and she is quite right—that land shortages are behind the bottlenecks in the system. The land shortages come straight back to the minister responsible for the LDA. We all know who that is. He bolted from the chamber yet again. I think this lies fairly and squarely at the Chief Minister's feet.

We know that the policy initiative was to squeeze land buyers in the ACT till they bled. We see that in the contrived tightening in the market, where, for the first time in almost seven years, the number of blocks sold drops below a thousand—it drops 40 per cent, to below a thousand—to 579 blocks. Indeed, in the following year, 2006-07, the number of multiunit sales drops. Let us see. It goes from 780 dwelling sites to 201 dwelling sites, to 234 dwelling sites, to 150 dwelling sites, to 320 dwelling sites. In 2006-07, 85 dwelling sites were sold by this government. That is only 700 sites down on the sales that were done in our last year in government, 2001-02.

If there is a problem, the problem is in supply. Who is in charge of supply? The monopoly supplier. Who is the monopoly supplier? The ACT government. As UDIA say in their report:

> The Australian Capital Territory Government's Affordability Strategy is also well intended but its target of 15 per cent of new homes in new estates being priced between $200,000 - $300,000 may in the end be subsidised by other houses …

It is difficult to achieve. *(Time expired.)*

DR FOSKEY (Molonglo) (4.30): The expansion of the ACT population and the creation of new residential areas present great challenges for us in coming years. Sustainable development has been the call of the international community for over two decades now. Unfortunately, this has not yet translated in the ACT. Our new suburbs are simply still not sustainable. Forde is certainly getting there but we still have a long way to go.

Before the government releases more land, we must ensure that the development of this land will have the smallest ecological footprint possible. We must also ensure that important ecological areas and communities are protected and withdrawn from land release options. We know that loss of habitat is the most immediate threat facing our endemically endangered species.

Only around five per cent of the ACT's native grasslands remain, which is why there is currently an inquiry into this issue. There is a very real threat of extinction to our unique native species which we here in this place have the responsibility to protect for the species sake, as well as our own, and for future generations.

Urban sprawl needs to be curtailed. We cannot continue to develop on areas of ecological significance. On the other hand, we know that people need homes to live in, and we have a shortage of those in the ACT. The Greens support urban infill as one option, but there are limits to this of course. Urban infill gives us the opportunity to make existing communities more efficient, especially in terms of making public transport more viable. But we do need to take into account the needs and wishes of existing residents, as well as ensuring that we keep our suburbs liveable, whilst maintaining the character of the bush capital. This is by no means an easy task, and it is not a simple matter of more land which can or cannot be released.

The ACT needs to have a community-wide discussion about where we want our population to be and where our community is going. We hear Mr Stanhope and Canberra's business community talking about 500,000 people. Where does that figure come from? How big should we be? Where should we develop? What are our resource limits?

Water, energy and land are all finite, and we are starting to push upon our borders with New South Wales in a few places now. I think most can accept that our resources are limited. If we accept intergenerational equity as a guiding principle, it is incumbent upon us to ensure that we are not leaving less for our children than we have had for ourselves. Our immediate priority must be to ensure that development that does take place is truly sustainable and not token greenwash. We do not have the time or the resources for greenwash.

The knowledge and experience are around now. There are many places in the world which have managed to develop sustainably, and we need to take a leaf out of these books. If we are truly interested in being nominated a UNESCO biosphere, we would be taking this seriously. It is possible to build homes in the ACT that require essentially no heating or cooling. The lifecycle cost of these homes makes them cheaper than those currently being built, where the savings made today will be lost in the very near future. There is no reason why every new home should not be 10-star rated. Yes, that is what the system should go to. Five stars is the beginning, not the end.

Integrated planning starts right at the beginning, pre land release. Public transport infrastructure plans, for instance, should be put in place before the suburb is developed. Sustainable transport must not be an afterthought. We should have our

Belconnen busways planned before we build Belconnen. Therefore, before we build Molonglo, we should have the Molonglo busway or light rail route planned. Schools, shops, block orientation and so on are all things that are planned in advance, but, unfortunately, sustainability has not been one of the things the planners have had in mind.

The north Weston development, and later Molonglo, are perfect opportunities for the ACT to create an area based on solar passive siting of blocks, based on 90 per cent of transport being sustainable, based on preservation of the river corridor and its flora and fauna and based on water and energy-efficient buildings. The ACT community will be disappointed if the development is anything else.

In 10 years time people will be only looking for houses like that. We would be letting our community, our country, and indeed the world, down if we insisted on less. Indeed, if it is not state of the art on the sustainability scale, questions should be asked about whether this development should go ahead at all.

Sustainability legislation needs to be prioritised. Considerations of energy and water efficiency and emissions minimisation need to pervade all aspects of government policy. The responsible policy response to the threat of climate change is for the government to impress upon all public servants the seriousness of the issue, or perhaps the public servants could impress that upon the government.

The government needs to prioritise the implementation of measures that contribute to minimising the ACT's greenhouse gas emissions. Of course the public needs to be brought along on this issue. I would claim that the public is often further ahead than the government. Public and government education campaigns are an important feature of the government's response.

Fortunately, the climate change denial party lost the federal election, and we can hope and expect to see the government-funded scientific community being less bullied and less punished for speaking the truth about climate change and its impact on Australia. I hope that the climate experts who were driven out of CSIRO by the Howard government's policies are re-funded and reinstated.

I dwell on climate change in the context of a debate on land release because the lack of consideration that has been given to solar orientation in the past is nothing short of criminal. Future generations will be appalled at the levels of ignorance that shaped our suburbs. Given that the knowledge, the precedents and the unheeded advocates have existed for decades, they will wonder how it was that planning agencies in the early years of the 21st century seemed to have next to no regard for the orientation, solar access, wind direction, slope and drainage patterns of the land on which houses were situated when they drew up the block plans and built the infrastructure that projected their inefficiencies onto future generations.

Clearly this is a difficult issue. There is strong demand for land in the ACT, which is leading to an increase in both rental and sale prices across the board. The Chief Minister has issued clear directions that he is serious about addressing the issue of affordability, and this seems to have added extra impetus to the priority which the LDA and ACTPLA are giving to the problem.

The government can expect to bear the brunt of opposition and public cynicism, given that the undersupply of land is part of the equation that pushes up land prices. And it is more complicated than supply of land. You need to read what some of the critics like Ross Gittins and Julian Disney say about the reasons why land is so expensive; it is not just a matter of demand and supply.

Let us not forget that the government is heavily reliant on land sales for its revenue; so we can expect this issue to stick around. However, I do not see the conspiracy in such stark terms as the opposition does. I acknowledge that it has been difficult to estimate future demand elasticities for land and housing when the federal government's recruitment policies play such a large role in generating demand. The Howard government's record in coordinating and cooperating with the ACT government was abysmal. If ever there was a case for territory/federal cooperation in developing a strategy, this is it.

From anecdotal representations and personal observations, I have some misgivings about the process by which land valuations are determined in the territory, particularly in relation to land tax and betterment taxes. Blocks which would appear to be of similar value and are being used for similar purposes have been to known to receive widely variable valuations. I urge the government to keep a close eye on the valuation process and to be as transparent as possible, publishing valuation reports and making all pricing assumptions publicly available and open to scrutiny and criticism.

In saying this, I am not pre-empting the public accounts committee's report; this is purely my own opinion. The public accounts committee will be reporting on this issue in the early weeks of next year. I am not saying this, by the way, as a criticism of government; it is not the point to just say these things to criticise government. It is important that we protect public revenue. In brief, there is a lot more to be done to increase affordability and sustainability of housing than releasing more land.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (4.40): I thank the dark horse of the Liberal Party for raising this issue today.

Mr Seselja: On a point of order, Mr Speaker: I ask the planning minister to refer to me by my proper title.

MR SPEAKER: That is a fair point.

MR BARR: I am sorry. I thank the shadow planning minister for raising the matter today.

Upon my appointment as minister for planning, I issued a new statement of planning intent for the ACT Planning and Land Authority that outlined the government's key policy principles for future planning in the ACT. These principles inform our land release strategy. The statement identified the planning challenges faced by the Canberra community over the coming years. These include access to safe, secure and affordable housing and the provision of more services in Gungahlin. I think we would

all agree that one of the most basic of human needs is the response to climate change, something the Prime Minister has identified as the great moral and economic challenge of our time.

Implementing the affordable housing action plan to meet the aspirations of Canberrans for home ownership is the government's number one priority and my number one priority in the planning portfolio. To assist with meeting our policy objections for affordable housing, the government will establish and maintain five years supply of planning-ready land. That equates to around 11,000 blocks.

The government is also, of course, implementing a range of other housing affordability initiatives. These initiatives include the development of a compact housing policy, the introduction of a land rent scheme and the progressing of en globo land sales as part of a five-year land release program.

I am committed to Gungahlin growing and prospering. Accordingly, the government is continuing to make planning-ready land available in Gungahlin. Specifically, concept plans have been completed and adopted as planning guidelines under the territory plan for the suburbs of Bonner, Casey, Crace and Forde.

The planning and land authority is currently finalising further concept plans for the Flemington Road corridor, and that concept plan is being completed and will be adopted as a planning guideline by the end of this year. The corridor includes high-density residential development in the order of 1,225 dwellings and mixed use and commercial sites on either side of Flemington Road in Harrison and Franklin. ACTPLA presented the draft concept plan to the Gungahlin Community Council on 14 November this year, and I am pleased to advise the Assembly it has received very positive feedback.

ACTPLA is also concluding investigations for the Ngunnawal 2C residential estate concept plan that contains approximately 425 dwellings. This concept plan has been finalised by the LDA and is currently being reviewed by the planning and land authority. It is anticipated that the concept plan will also be adopted as a planning guideline by the end of this year.

ACTPLA has also commenced concept planning for the future suburbs of Moncrieff, approximately 1,800 dwellings; Kenny, including part of Harrison, 4,000 dwellings; and the ACT component of Lawson, approximately 1,000 dwellings. In relation to Moncrieff, it is proposed that a streamlined principles concept plan will also be completed and adopted as a planning guideline by the end of this year. This will ensure that land release in Moncrieff is not delayed by the introduction of the new territory plan and its processes relating to concept plans. Planning and related studies are continuing, and any resultant changes to the concept plan will be undertaken as an administrative or technical change to the concept plan in 2008 under the provisions of the new Planning and Development Act.

I will now take some time to go through the work that is being undertaken on estate development plans as part of the process for having planning-ready land available. The estate development plan development application for Macgregor west stage 1A,

463 dwellings, was approved, with conditions, on 28 November of this year. The documentation for the EDPDA for stage 1B is also under way, with it being circulated to relevant agencies for their input.

The EDPDA for Forde stage 4 for 616 dwellings has been lodged with the planning and land authority, and approval is expected within two weeks for that estate development plan. The EDPDA for Franklin stage 3, approximately 810 dwellings, has also been lodged with the planning and land authority and is expected to be determined shortly.

A draft EDP for Bonner stage 1, an LDA estate, some 329 dwellings, has been circulated for agency comments. An EDPDA for approximately 64 dwellings adjacent to the Gungaderra precinct, Harrison, en globo estate is also expected to be lodged with the planning and land authority shortly.

On 16 November this year, the government announced that the Canberra Investment Corporation, the PBS Property Group and the Defence Housing Authority were the joint venture partners with the Land Development Agency for the development of Crace. Crace will contain 1,200 dwellings, a local shopping centre and a neighbourhood oval.

I am also pleased to advise that the government has allocated an additional $1.45 million this year for continuing planning and infrastructure studies to facilitate additional residential land supply to the LDA. A significant part of this allocation will be used to fund additional studies in Moncrieff, the territory land in Lawson and elsewhere in the territory. In keeping with the statement of planning intent, the government is on track to deliver 11,000 dwellings to the LDA to maintain a five-year land supply.

I turn now to Molonglo and north Weston. As Dr Foskey mentioned, a variation to the territory plan to allow for urban development here is well advanced. A three-month public consultation period has concluded and, subject to its approval, the first land at north Weston could be made available in the second half of 2008, in line with previous government announcements. Further releases in north Weston and Molonglo will then proceed in an orderly fashion.

I take this opportunity to respond to some of the comments from Dr Foskey in relation to development in this area. It is, of course, the government's intention that the sustainability principles that Dr Foskey has raised will certainly feature in this new estate. But as for her suggestion that, if certain requirements were not met, development should not occur in that area; the problem is simply that that would then increase pressure on other parts of the city. It needs to be made clear that any residential development in the territory is going to have some impact on the environment and that it is impossible to further expand the human population in the territory and have no impact whatsoever on the environment. The question is, of course: how we can seek to minimise that impact?

We do need to recognise that there are, of course, advantages and disadvantages in pursuing different approaches here and that, whilst there is undoubtedly going to be

some environmental impact of development in Molonglo and north Weston, it is highly likely that that will be considerably less than pursuing development elsewhere in the territory. So we need to look at the relative nature of the impact as well and not simply seek to apply a very strict approach to development in that area so as to set the bar so high that it is impossible to develop in that area.

I take the liberty, though, in the remaining time, to note that, in addition to the land releases that the government is proposing in Gungahlin, I consider it very important, as minister for planning, minister for education and minister for sport and recreation, to provide additional services for the people of Gungahlin which will be providing the lion's share of housing in the ACT. The government will continue to assess and monitor how services in Gungahlin can be improved and to support the young families and others who are moving into this area. We will continue to work to ensure that access to facilities and services such as shops, schools, ovals, public spaces, petrol stations and leisure facilities are available for all Gungahlin residents. That is a commitment, as I say, that I, as planning, education and sport and recreation minister, am very keen to deliver on in those portfolio areas.

In conclusion, from what I have said and the Chief Minister has indicated before me, the government is committed to do the work to release more land as the ACT community needs it and, whether it is in the reforming of the planning system or responding to the needs of the market in relation to land release, the Stanhope government is working hard to maintain the unique nature of our city but also to ensure that Canberra's housing is affordable for all Canberrans.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (4.51): In relation to the minister's last point, there is a lot more work to do in terms of making housing affordable. I have never seen our housing quite so expensive. Mr Barr also mentioned Molonglo. I saw an interesting submission from Pegasus the other day which I think has considerable merit in terms of long-term planning for that area. I commend that to him. It related to riding facilities and having a buffer. That seemed to be a very sensible suggestion and I ask the minister to take it on board.

Whilst Mr Barr has made some effort since taking over the portfolio, one of the big problems with this government has been a lack of planning and a lack of any real land release policy until recently, which means they are now doing catch-up. There is also the fundamental lack of a land bank. Planning is not easy and releasing land is not easy, but previous administrations have actually managed—

MR SPEAKER: The time for this discussion has expired.

Administration and Procedure—Standing Committee
Report 2

MR SPEAKER: I present the following report:

> Administration and Procedure—Standing Committee—Report 2—*Review of standing orders and other orders of the Assembly* (2 volumes), dated 6 December 2007, together with a copy of the extracts of the relevant minutes of proceedings.

MR SMYTH (Brindabella) (4.52): I seek leave to move a motion authorising the report for publication.

Leave granted.

MR SMYTH: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR SMYTH: I move:

> That the report be adopted.

This report is in two volumes and is the culmination of almost four years of work by this committee and its predecessor in the Fifth Assembly. It is a comprehensive review of the standing orders since they were first adopted in May 1989.

The committee first sought submissions from interested parties in mid-2005, and received four submissions. In addition, it invited all members to attend a roundtable meeting which was held on 26 September 2006, which a number of members attended and at which much conversation was had. The roundtable discussions were a useful exercise, and assisted tremendously in the formulation of the committee's final report. The committee has recommended a total of 177 changes to the standing orders and other orders of the Assembly. Many of the changes are simply stylistic or designed to improve the readability of the document.

Some of the more significant suggested changes are: that the name of the standing orders be changed, ever so slightly, to "standing orders and continuing resolutions of the Assembly"; to change the title of "temporary deputy speaker", which members seem to have difficulty with from time to time, to "assistant speaker"; a requirement that, when leave of absence is given by the Assembly, a reason is given for the absence; the creation of a separate chapter in the standing orders on the subject of privilege; allowing the Speaker the discretion to stop the speech time clocks; inserting a requirement for ministers to respond to every petition lodged within three months; inserting a requirement that if a notice on the notice paper is not moved in the chamber within eight sitting weeks of it being lodged, it will be removed; allowing a bill to be referred to a committee before the agreement in principle is agreed to; the adoption as a standing order of the resolution about the financial initiative of the Crown that was first agreed to in 1995; inserting in the standing orders the longstanding practice of committees being able to self-refer matters for inquiry and report; changing the title of presiding member of a committee to "chair"; omitting the standing order which would allow a prisoner to be brought before a committee under a Speaker's warrant, which will curtail some of the Speaker's power but of course will now not allow us to ask Mr David Harold Eastman to join us; the inclusion of an adverse mention procedure in the standing orders to give protection to witnesses appearing before Assembly committees; amending the citizens' right to reply

procedure by setting a three-month time limit from when a statement is made in the Assembly; and proposing a resolution of continuing effect concerning sub judice, which is based on a similar United Kingdom House of Commons resolution.

As can be seen from what I have outlined, there are some significant proposed changes to the way the Assembly operates. I think it is important that any organisation should, from time to time, look at the way they operate and see whether any improvements can be made. It is the view of the committee that these changes will enhance the operation of the Assembly and its committees.

In addition to the more significant changes, the committee has also suggested some amendments to make the standing orders easier to read. Words and phrases such as "in the manner herein before provided", "thereon", "dissentient voice", "the same conforms with" and "acquired therewith" have all been suggested for omission.

Members will note that I moved a motion that the report be adopted. If this motion is agreed to, the changes to the standing orders and continuing resolutions will be adopted by the Assembly and the revised standing orders will then take effect. It is intended that this matter be brought on for debate early in 2008.

I thank the Speaker and his staff, the Clerk, Ms Janice Rafferty and Ms Celeste Italiano, for their work on this report. In my office, I would particularly like to thank Tim McGhie, who took a profound interest in this matter and has been very helpful to me. I commend the report to the Assembly.

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

Territory–owned Corporations Amendment Bill 2007

Debate resumed from 22 November 2007, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (4.57): The Liberal Party will be supporting this bill, which provides for an extension of time to remove Rhodium Asset Solutions Ltd from schedule 1 of the act that this bill amends. That is because the sale of Rhodium, which the 2007-08 budget anticipated being completed by 30 June 2007, has not yet occurred, and neither the budget nor the second appropriation anticipated any administrative costs or revenues associated with Rhodium's continued trading beyond 30 June this year.

The question must be asked: why has this sale been delayed? I know Rhodium is still the subject of an inquiry by the public accounts committee, so I will not go into too much detail there. Let me just say that the delay in the sale of Rhodium must surely be attributable to a number of factors. The primary factor, no doubt, would be that any organisation seeking to buy Rhodium would, in a process of due diligence and discovery, become aware of what it is actually taking on.

With respect to what any prospective buyer would be purchasing, the woes of Rhodium's past—the lack of direction from the government, particularly the lack of

guidance from the shareholders, conflicts of interest and some dodgy dealings—may well scare away the most eager risk-takers. I hope the sale will proceed. I thought I heard that there was a prospective buyer, which is good, but I think the sorry saga is an indictment of the government's whole behaviour towards Rhodium. There did not appear to be too much direction; in fact, I think the shareholders in the past often had different views on exactly what should occur.

We have heard that, with some guidance from the shareholders, Rhodium could have built a business founded on good governance policies and procedures and open accountability. Unfortunately, there were a significant number of problems and a lack of guidance, so we have the mess which the public accounts committee is now looking into. It is also a very good rule of thumb to show that governments should not get involved in commercial activities, and especially not this one.

So the government needs more time to sell Rhodium. I certainly hope the Chief Minister will indicate that this is enough time, and hopefully we will see the end of this saga in terms of a sale in this six-month period. The opposition is happy to support the extension of time in the circumstances.

DR FOSKEY (Molonglo) (5.00): The Greens will be supporting this bill. We note that the public accounts committee is currently conducting an inquiry into the Auditor-General's report and that there are certainly issues to be looked at. It makes a lot of sense that we approve a six-month extension. The public accounts committee recently approved a six-month extension for the appointment of a couple of board members, and this legislation logically goes along with that.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.01), in reply: I would like to make a few concluding remarks. As members know, I tabled this bill recently. The main purpose of the bill, as the Leader of the Opposition has explained, is to extend the default commencement date of the Territory-owned Corporations Amendment Act by six months, to 20 June 2008.

The Territory-owned Corporations Act requires that shares of all territory-owned corporations, including Rhodium Asset Solutions, be held by an ACT government minister. Therefore, in order for the shares to be sold, Rhodium needs to be excluded from the application of the act by removing the name of the company from schedule 1.

As members would recall, the Territory-owned Corporations Amendment Act was passed in the Assembly in December last year. The act provided for Rhodium Asset Solutions to be removed from schedule 1 on a date to be fixed by the minister or 12 months after the date of notification. This was intended to remove any bidder uncertainty about when the sale could proceed by allowing the Treasurer to notify the commencement date after the sale negotiations had been completed.

It was originally expected that the sale would have been completed well before now. After a two-stage procurement process, a preferred respondent has been selected. However, as I informed the Assembly in my presentation speech, the sale has been

delayed by the lengthy due diligence process, largely due to Rhodium's inadequate computer information systems, which made it difficult to verify numerous financial transactions going back to the time of Totalcare.

As a result, negotiations with the preferred respondent have taken longer than was expected when the open tender process commenced. The preferred respondent has recently advised that it is agreeable to the terms negotiated. However, the timing of the sale cannot be confirmed until the preferred respondent has obtained alternative financing to support the business operations.

Given the delay in conducting the sale, the amendment to the act will ensure that Rhodium is not prematurely removed from schedule 1. As with any contract negotiations, it is possible that the sale of Rhodium could encounter further unexpected delays. If that is the case, the bill also provides for any further delays in the commencement of the Territory-owned Corporations Act to be dealt with by regulation to avoid further amendments to the act. I thank members for their consideration of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Review into concessions to low-income residents
Proposed amendment to Assembly resolution

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.04): I seek leave to move a motion amending the resolution of the Assembly of 2 May 2007, regarding presentation of the findings of a review into concessions to low-income ACT residents.

Leave granted.

MR CORBELL: I move:

> That the resolution of the Assembly of 2 May 2007, regarding presentation of the findings of a review into concessions to low-income ACT residents, be amended by omitting "December 2007" and substituting "March 2008".

MR SMYTH (Brindabella) (5.04): This has just been dropped on the desks of all members. Therefore, it might be courteous of the government to (1) explain why there is a delay and (2) how they have determined that March 2008 is therefore an appropriate time to extend it to. The review into concessions to low-income ACT residents has been going for almost as long as this government has been in office. There have been several calls for it to be completed and tabled. Someone in the ministry might like to at least give an explanation rather than just dropping this on our desks and asking for our agreement.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (5.05): Mr Pratt, I can respond to that. I understand that my office has had discussions about this, so it should not be a surprise to people. The review that we are talking about started in May, as a result of a motion moved in the Assembly. I received that review last week. I had some questions about the review which meant I could not take it to cabinet on Monday for approval to be considered in this sitting week. I spoke to Dr Foskey, who had moved the motion, to let her know that I was seeking a delay. I will provide it to the Assembly at the earliest opportunity, once those questions have been answered.

DR FOSKEY (Molonglo) (5.06): I do not believe there is a need for a great deal of discussion about this. People will remember that they supported the motion that I moved in May. Yes, it is disappointing that the review was not done, but I am pleased to hear that the review documents have gone to the minister. I was told by a staff member in Ms Gallagher's office that there is a good chance that it will be delivered well before March but that this motion is just to cover all the eventualities. I am grateful that I was consulted about this. While I do not think there is much I can do apart from accepting it, I also feel that the review is too important to quibble about a month or two, given that a great deal would not be done to implement it before February or so, anyway.

Question resolved in the affirmative.

Mental Health (Treatment and Care) Amendment Bill 2007

Debate resumed from 22 November, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (5.07): The opposition will be supporting the Mental Health (Treatment and Care) Amendment Bill 2007. Mrs Burke is absent this afternoon, so I will read her speech for her. The bill makes some minor technical amendments to clauses in the 1994 act where some confusion as to definition has arisen. The original act drew from definitions from the old ordinance, which included all mental disorders. As a result of the amendments, the intention of the act will be better expressed.

The new amendments are designed to make the act more inclusive and easily understood by both carers and consumers. Whilst in the explanatory notes of 1994 it states that "mental dysfunction" is defined to include "mental illness", the intention is not made clear in the act itself. Clauses 6 and 7 will therefore remove any doubt that section 5 applies to persons who are "mentally ill". The heading will now read "persons not to be regarded as mentally dysfunctional or mentally ill". These changes make it clear that people cannot be considered mentally ill or mentally dysfunctional merely on a whim, such as because of their political, religious or philosophical beliefs, or because of other limits set out in section 5 of the act.

In relation to amendments regarding interstate agreements, the understanding is that there were problems with the original law. The first example of the problems that the old law presented was encountered through the ACT Magistrates Court when a patient moved domicile from Canberra, where an ACT psychiatric treatment order had been in place, to Queanbeyan. It was outside the jurisdiction of the court to effect an involuntary order to be maintained in New South Wales. In the future, it is likely that the movement of people across the territory border will increase.

Clauses 8 to 14 seek to correct cross-border anomalies in line with the 2003 ACT-New South Wales ministerial interstate health agreement. After consultation with the mental health sector, the opposition is satisfied that these amendments are necessary and should be supported. These amendments enable various parts of the ACT and New South Wales mental health acts to be operable across the border in relation to people on involuntary orders or to ensure that patients can be transferred to in-patient facilities for specific treatment that is perhaps not available where they live. The opposition has been advised by the mental health sector that these amendments are appropriate and timely.

The headings for sections 55C and 55J read "Offence—electroconvulsive therapy on more than 10 occasions" while internally the sections read "on 10 or more occasions". In clauses 15 and 16, the headings of these sections are amended so that the headings match the content of the sections and the clear intent of the act.

The bill also makes occupational therapists eligible to be mental health officers under the act. The departmental officers who provided a briefing along with key stakeholders in the sector have satisfied the opposition that this would be an improvement and that there is no risk that insufficiently qualified occupational therapists would be accepted. Advice to the opposition is that mental health officers have been part of the ACT mental health act since 1994. The ACT led other jurisdictions in the development of this type of function for mental health clinicians in mental health legislation. Both Queensland and New South Wales subsequently have developed similar roles to the ACT. Victoria recently added occupational therapists to a list of "prescribed persons" in the Victorian mental health regulations—"prescribed persons" having similar roles to ACT mental health officers.

Mental health officers work under the directions of the ACT Chief Psychiatrist. Their primary responsibilities are to assess mentally ill or mentally dysfunctional people and, if required, to apprehend and take them to an approved health facility for examination by a medical officer. Mental health officers may also apprehend and take a person to an approved mental health facility if the Chief Psychiatrist directs that the person has contravened a mental health order of the Mental Health Tribunal. These powers may also be used as directed by the Chief Psychiatrist under the interstate applications of mental health laws for the escorting of a mentally ill person subject to a mental health order to another jurisdiction or escorting a mentally ill person subject to a mental health order back to the ACT.

Mental health officers are appointed from senior and experienced clinicians of Mental Health ACT, following the recommendation of the team leaders. Occupational

therapy is one of the clinical professions that provide senior, experienced mental health clinicians to the service, including the crisis assessment and treatment team. Mental Health ACT provides core training to all clinicians, including occupational therapists, with respect to the mental health act, mental health state examination, risk assessment and crisis response, as well as suicide assessment and management.

Mental Health ACT, under the direction of the Chief Psychiatrist, is developing a mental health officers handbook to guide mental health officers' practice. Occupational therapists are currently not able to be appointed as a mental health officer under the act, which is currently limited to a ministerial appointment of mental health nurses, psychologists or social workers. The opposition is satisfied that it is a necessary amendment.

Broadly, these amendments seek to provide better health outcomes for consumers and we will be supporting the bill.

DR FOSKEY (Molonglo) (5.13): The Greens will be supporting the bill as well. I would like to thank Ms Gallagher and her staff for the briefing they arranged for me and my staff with the Chief Psychiatrist and officers of Mental Health, and for her office's ongoing efforts to keep me updated and informed regarding this bill. The amendments were well explained and the staff were helpful. The bill is non-controversial and the amendments are aimed at improving the arrangements for the transfer and care of the mentally ill, particularly with regard to interstate transfer.

During the briefing we were advised that a review of the whole act is due in the coming years, and that consultation on this review with the mental health community continues. Nonetheless, I commend the government for making small but beneficial amendments to the act while waiting for the larger review because this assists in keeping the treatment of the mentally ill on the agenda, and making sure that it is as good as it possibly can be. That is a good reason for supporting the bill, as far as I am concerned.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (5.14), in reply: I thank members for their contributions to the debate and also for acknowledging, as I would like to do, the work that my staff and officers in the department have put into briefing members of the opposition and the cross-bench. I also thank members of the Assembly for dealing with the legislation swiftly. It was introduced in the previous sitting week with a request for a turnaround in the following week, so I do appreciate members' cooperation.

The objective of the Mental Health (Treatment and Care) Amendment Bill is to make technical amendments to the Mental Health (Treatment and Care) Act that will better express the intention of the act in several sections where some confusion has arisen. The title of section 5 of the act currently reads "Persons not to be regarded as mentally dysfunctional". Section 5 of the act is a very important section because it lays out the principles for what can be regarded as mental illness and mental dysfunction. People cannot be regarded as having these conditions merely because they do not conform to the expectations of others around religious, political or philosophical beliefs, opinions

or activities. Nor can they be regarded as having these conditions merely because of their sexual preference or orientation or because they engage in taking alcohol or other drugs. Most Australian state and territory mental health laws now have similar sections that describe what are not to be regarded as mental health conditions in mental health law.

While the 1994 explanatory memorandum to the act makes it clear that "mental dysfunction" is defined to include "mental illnesses" and hence technically "mental illness" is encompassed in the section, this intention is not clearly expressed in the wording of the act. The amendment bill removes any doubt that section 5 applies to persons who are mentally ill. I propose that the section 5 heading and the first paragraph be amended to read "Persons not to be regarded as mentally dysfunctional or mentally ill". This clarifies the intent of the section.

Clauses 8 to 14 address the intention of the act to provide for ministerial agreements to be made between the ACT and the other states and territories relating to the interstate application of mental health laws. Most states and territories have similar provisions in their mental health legislation. The intention of these provisions is to make the borders of the jurisdictions more transparent for the movement of people subject to mental health orders. Prior to these provisions, it was very difficult for mental health orders issued in one jurisdiction to be recognised in another. For the ACT, this made accessing specialist mental health services in Sydney or transferring the involuntary care of a person who wished to move to another state very problematic.

The ACT currently has four ministerial mental health interstate agreements, covering Queensland, New South Wales and Victoria. The interstate agreement with New South Wales allows follow-up of people subject to community mental health orders across the border by the treating mental health teams of the issuing jurisdiction. The legislation provides for the Mental Health Tribunal to make psychiatric treatment orders for the care of a person under their jurisdiction. The government recently received legal advice that a PTO is defined as a custodial order in part 5 of the act—interstate applications of mental health law.

In the ACT, psychiatric treatment orders provide the functions of both the custodial in-patient orders and the non-custodial community treatment orders of other jurisdictions. The legal advice the government has received suggests this is not possible in relation to part 5 of the act because in this part a PTO is not a "community" mental health order that the tribunal can make. These amendments will address this issue. This also impacts on the effective use of the ACT-New South Wales mental health interstate agreement.

The amending clauses in the bill remove reference to custodial and non-custodial ACT mental health orders and replace them with the term "psychiatric treatment order". This makes the original intention clear and enables the community treatment order section of the ACT-New South Wales mental health interstate agreement to be used. Without the amendments, section 48M of the act and the involuntary community treatment sections of the interstate agreements are unusable.

The amendments will enable more flexible mental health services for people subject to mental health orders who move across the ACT-New South Wales border to places close to the border. A prime example of this would be an ACT resident moving to Queanbeyan. Generally, mental health services would provide mental health treatment and care across a border for a person on a community-based mental health order to provide continuity of care while negotiating the transfer of care to the local mental health service.

On occasion, an ACT mental health order may be appropriate for a New South Wales resident when the person has long-term and regular engagements in the ACT. For example, it may be appropriate for the ACT to provide mental health services to a forensic mental health consumer who moves residence from the ACT to nearby New South Wales and returns regularly to the ACT for court-related purposes and who warranted an ACT community-based psychiatric treatment order while residing in the ACT.

The other amendments to the act as laid out in the bill are minor and technical in nature and do not alter the current intentions of the act. The amendment to section 119 reflects the changing workforce in the delivery of mental health care. The current section reads: "A person is not eligible for appointment as a mental health officer unless a person is a mental health nurse, authorised nurse practitioner, psychologist or social worker."

The ACT's Chief Psychiatrist, Dr Peggy Brown, has requested that the Assembly amend section 119(2) of the act to include occupational therapists as clinicians able to be appointed as mental health officers. Currently, occupational therapists are employed as mental health clinicians working in the community and, on occasions, in the mental health crisis assessment and treatment team. Occupational therapists are currently not able to be appointed as mental health officers under the act. This limits the ability of OTs to fully exercise clinical mental health responsibilities. The government, in presenting this amendment, acknowledges the role that this profession adds to the overall clinical services for people who have mental illnesses.

As I informed the Assembly during my presentation speech, the full review of the act is continuing. On 13 November, Mr Corbell and I agreed to the release of the mental health act review options paper. The release of the options paper continues the review of the act begun in August 2006. Minister Corbell and I will be releasing that options paper shortly.

I again thank members for their assistance in debating this bill in a shorter than usual time frame. I thank Mrs Burke and Dr Foskey for attending those briefings and allowing the quick passage of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Victims of Crime Amendment Bill 2007

Debate resumed from 15 November 2007, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (5.21): The opposition will be moving several amendments to this bill, which I think are very important in relation to making it a bit more compatible with what occurs around the rest of Australia. The bill was flagged in the budget and is to raise $500,000 a year to help victims of crime. No-one can quibble with helping victims of crime, Mr Temporary Deputy Speaker, but there are a few issues in relation to this which I want to touch on.

The bill introduces a levy of $10 right across the board on court-imposed fines for criminal offences, traffic offences and traffic infringement notices to fund victim services. I understand there are some categories which it does not cover, especially parking infringement notices, and thank God for that. Other states have not dissimilar schemes, except that all states that I discussed with the officers from the department—I thank the Attorney-General for making them available—have a graduated levy.

Whilst I can see the superficial logic in what the Attorney-General has done here in terms of it being administratively easier for the fines to be collected by the court and for the levy to be tacked on to infringement notices when they are paid so it can then be sent off to consolidated revenue, it does not really reflect the gravity of offences, as the schemes in other states do. For example, in South Australia, they have a levy in relation to a summary offence of $20 if it is an infringement, $70 if it goes to court and $120 for an indictable. For a young person there is a levy of $20 or a maximum of $40 per conviction. Similarly, in the Northern Territory it is $60 for an indictment and other offences are $40. In New South Wales, whilst it does not have quite the same scheme as anyone else—it is more of a compensation levy—someone sentenced to a term of imprisonment pays $70 and the levy is $30 in terms of summary convictions.

As I said, our scheme is $10 across the board. That means that someone who is fined for selling drugs or perhaps committing an assault and robbery—I am just trying to think of the things people have been fined for in the ACT courts, and they can include quite serious offences—will be treated the same as someone who commits a speeding offence. Because you drive along that way, Mr Temporary Deputy Speaker, you might be familiar with the speed camera outside of Hume which gets a few people—probably not yourself. People driving along there at 85 kilometres an hour are pinged for doing 85 in an 80 zone, and they are going to pay the same levy as someone who actually commits a real crime and creates real victims.

You would have to say some traffic infringement notices would be issued where a person is driving in such a crazy manner there is a real potential for someone to be the victim of that action, but there are many traffic offences that are effectively victimless crimes. They are not the ones where a person would be driving more than

45 kilometres an hour above the speed limit and where they automatically lose their licence and are given a very high fine of about $1,500 or thereabouts. But many infringement notices are issued for offences at the absolute lowest end of the scale, and they just cannot in any way be compared with those I referred to earlier.

There is no way can that a person who commits a minor traffic infringement can be compared with someone who belts someone, breaks into a house or commits some other fairly heinous crime of violence or significant dishonesty and gets a fine. Of course, there is also no provision in terms of people who do even worse things and actually go to jail. My amendments seek to rectify those problems. I know the levy might be a little bit harder to collect, but, at the end of the day, it is a lot fairer because it means people who commit more serious offences are going to pay a bigger levy. That is only fair, and that is what happens in other states.

The other thing is that we are the only state or territory where young people will not have to pay the levy. A 17-year-old can commit just as nasty a crime as an 18-year-old and can drive just as crazily as an 18-year-old. It is only fair that we fall in line with every other state, but it is fair enough to have a provision where the court has discretion to exonerate someone under 18 if it thinks the circumstances of the case deem that necessary. That is a similar provision to the New South Wales scheme, and I have included that in the amendments.

I will go into them in a bit more detail when we come to them, but my amendments just make this a much better scheme than what it is. This is basically just a slug on a vast number of people, albeit for a very good cause, who are, in the main, committing victimless types of offences, and minor offences at that—infringement notices. The best you could say for it is that at least the government did not put the levy on parking offences. The vast majority of these fines will come from infringement notices, and infringement notices are those very, very minor offences. The reason for that is that the ACT does not collect many fines from its court system. We are a small jurisdiction. Perhaps they should use the fine provisions more, but, even then, you probably would not get up to the amount of money which the government seeks to raise here. Only about $250,000 a year is collected from court fines, and that figure has not moved, I do not think, in about 10 budgets. It would be minuscule if you just had that, and that is obviously why the Attorney-General has lumped in infringement notices.

We see that as a significant problem, and there is a considerable amount of unfairness as a result. Many of those offences are at the absolute bottom end of the scale in terms of offences. They are, effectively, infringements. There is a bit of double dipping there in terms of those offences. I would be very keen to look at other ways in which we could have a fairer scheme. This bill will obviously go through, but I certainly think the amendments I will move make it a much more realistic scheme and bring it into line with the schemes in other states and territories.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.28), in reply: I thank Mr Stefaniak for his support of this important piece of legislation. The Victims of Crime Amendment Bill 2007 introduces a $10 levy on all offences for which a court imposes a fine. The introduction of the levy was part of

this government's 2007-08 budget announcements. The bill amends the Victims of Crime Act 1994 by introducing a scheme that makes those who break the law take on some responsibility for the harm or the potential harm caused to victims. This section of the community will do so by making a monetary payment to assist victims' recovery through providing better and expanded services to victims in the ACT. The levy will not apply to parking offences and will be administered by the courts. The corresponding scheme administered by the Department of Territory and Municipal Services will also see traffic infringement notices penalties increased by $10.

The levy to be collected by the courts and the Road Traffic Authority will offset the upfront commitment that the government has already made in the 2007-08 budget. In the budget, the government made recurrent funding of over $500,000 available to expand and enhance services to victims of crime. This funding is managed by the Victims of Crime Coordinator, who is now responsible for the new agency known as Victim Support ACT. The funding provided for this initiative was based on an assessment of the amount that could be raised by the imposition of a modest levy of court-imposed fines and traffic infringement penalties.

Providing enhanced services to victims of crime is a high priority for this government. The government is acting on a number of levels to continue to improve the quality and efficiency of service delivery to victims. Last week I launched Victims Support ACT. As I mentioned in question time, establishment of this new agency heralds further improvement in the delivery of services to victims of crime in the ACT. For the first time people will be able to access a one-stop shop for information, for counselling and physical therapies, for practical support and for assistance with the justice process.

The new agency brings together the counselling and recovery team from the victims services scheme and the Victims of Crime Coordinator's office to ensure victims in the justice system receive a more cohesive and streamlined response. The government has also announced a suite of funding of almost $4 million over four years to address the needs of victims of sexual assault and to support victims in the way the justice system responds to sexual assault victims.

The government recognises that being treated as a human being and as a citizen of this community is fundamental to victims' recovery and is an important human right. This government also recognises that the needs of the very diverse range of people—adults and children, men and women of diverse cultures and capacities—who can become a victim of crime. The scheme introduced by this bill and the increase in traffic infringement notice penalties, will go some way to ensuring vulnerable victims have access to a better and full range of services to assist them in their journey to recovery.

Mr Temporary Deputy Speaker, I note the comments from the Leader of the Opposition when it comes to what he believes should be a different approach to raising this levy and, in particular, his argument for a graduated approach similar to that adopted in other jurisdictions. The government did give consideration to a graduated approach; however, the government came to the conclusion that the graduated approach would create a much larger impost in terms of administrative overheads to manage the application of a different range of levies dependent on the charges being faced by the offender in court and subsequently, of course, proven in court.

We believe the introduction of a graduated approach would be costly and, indeed, would outweigh the benefits of raising funds in this manner. For that reason, recognising the particular size of the ACT and the number of offences in total that go before our courts in any one year, we concluded that it was not practical to adopt a graduated approach and that a flat fee of a more minor amount was more practical, more cost effective and more worth while in terms of providing more funding to victims of crime services.

The other point Mr Stefaniak raised was around the issue of certain types of crimes, and he mentioned speeding offences in particular. I would dispute Mr Stefaniak's assertion that speeding is a victimless crime. That is not the government's view. Speeding is directly correlated with an increase in road accidents and an increase in the impact on those people involved in road accidents. Speeding is directly correlated with an increased risk of being involved in an accident, and that potentially involves accidents with other motor vehicles, pedestrians, motorists and cyclists. These are very real and serious considerations, and those victims deserve just as much recognition in this arrangement as victims of other crimes. That is the rationale for the government's approach, and we do not agree with Mr Stefaniak's assertion in that regard.

I thank members for their support of this bill. It will provide a new funding source to better support victims of crime in our community and increase the level of resourcing available for important services such as counselling, practical support through recovery from a crime, transport to and from court, advocacy, and support through the justice process itself. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.35): I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the amendment *[see schedule 1 at page 4130]*.

The Victims of Crime Amendment Bill 2007 was introduced in the Legislative Assembly on 15 November. The government is proposing to omit clause 2 of the bill and substitute a new clause 2. The new clause changes the act's commencement date to seven days after its notification. This amendment is necessary in order to ensure that the changes required to administrative and information technology systems have been tested prior to the introduction of the levy.

Amendment agreed to.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (5.36): I seek leave to move amendments Nos 1 to 5 circulated in my name together.

Leave granted.

MR STEFANIAK: I move amendments Nos 1 to 5 circulated in my name together *[see schedule 2 at page 4130]*.

As I indicated earlier, my amendments would bring this bill into line with acts in other states in relation to money going to victims of crime as a result of the imposition of levies. I hear what the Attorney-General says in relation to speeding, and that is why I used that example of someone going 45 kilometres over the speed limit and probably being an accident waiting to happen, as opposed to someone inadvertently being about 5 kilometres over the speed limit. The big difference—this is why I think you need a differentiation—between an offence like speeding or any of those types of traffic offences listed in the bill in the infringement notices, which are minor offences, and something like an assault, a burglary or a larceny—the types of offences in criminal law that often attract fines—is basically mens rea.

Infringement notices involve offences of negligence, inadvertence. Not too many people set out to get caught going five or 10 kilometres over the speed limit. You can argue that someone is being a complete idiot and being grossly negligent when they are going 45 kilometres or more over the limit, and that is why they attract such a huge fine—a much bigger fine, I might add, than people committing crimes under the criminal law actually often get, but I do not quibble with that. It is an offence of negligence or inadvertence as opposed to a premeditated offence—an offence where there is actual intent—and that is why it is important. Other states seem to have realised this.

I can understand the Attorney-General's desire to actually have something that is simple, and this scheme certainly is. But other states, including smaller jurisdictions like the Northern Territory and South Australia, manage with a graduated scale. I do not think it would be that difficult to administer. That recognises that people who commit more serious offences, crimes where there is actually an intent, where they cannot get an infringement notice because the offence is deemed too serious, should pay more because they invariably cause much more trauma to victims, and there are invariably more victims as a result of those offenders than someone who is just pinged for a traffic infringement notice through their negligence. That is the reason for the amendment.

I have already indicated that my provision would ensure that young people could be incorporated here, although I note the court has a discretion in clause 4 to exonerate a person under 18 if the circumstances deem that to be appropriate. My amendment would bring us in line with everywhere else. As I said earlier, a 17-year-old can be just as culpable as an 18-year-old in regard to whatever offence they may commit, be it an infringement notice offence or an offence under the Criminal Code or the Crimes Act, and indeed may commit even more hideous offences sometimes. I think we should adopt what everyone else does.

New South Wales has a very good provision in relation to someone who has to pay $70 in this instance. If they are in prison—these are the most serious offences—why should they be exempt from this scheme? Their crimes invariably involve more serious trauma for their victims, and my amendment means that if a person is in prison, the chief executive can deduct any unpaid levy from money held in trust by the chief executive under the Corrections Management Act. Prisoners receive some income from their time in prison, and this amendment will ensure that the levy could be deducted from that income, thus helping victims. That is for the most serious of offences.

People often complain in this place about people who should be jailed not being jailed. You can rest assured that when someone is jailed in the ACT it has been for a pretty serious offence or multiple offences. Invariably, with serious and multiple offences, you have got lots of victims who are really hurt. Just as other jurisdictions have, I think we need to have regard to that. It is very unfair that someone who commits a really nasty offence and gets 18 months in prison does not to have to pay anything towards the victim. That is very unfair when someone who might be caught travelling 5 kilometres over the speed limit has to pay. That is the inequity of this system. I commend the amendments to the Assembly.

DR FOSKEY (Molonglo) (5.41): While I support the bill, I can only support one of the amendments, which I suppose means that I cannot support any at all, because we are not voting on them like that.

Mr Stefaniak: Just as a matter of interest, which one is that?

DR FOSKEY: Amendment No 3. The major point I would like to make is that we have not had time to give these amendments the consideration that they deserve, because they were only tabled this morning. My staff would have appreciated a visit from Mr Stefaniak and/or his staff. We had developed our position on the bill, as would be expected of an office in this place. I believe it is reasonable to have a $10 levy. I do note that it is the first time that there has been such a direct, clear and transparent hypothecation and that that is a precedent which perhaps could be extended to other matters. It is always preferable to cover government services, such as victims of crime services, out of core funding. I think it is disappointing that we need to extract another $10 from people. We do need to remember that in some cases the people who will be fined will themselves ironically be victims of crime. That is the way it goes.

Members should also remember that there are people in our community who have a very difficult time paying their parking fines. They should not have been doing what they did, they should not have been speeding, but it is something that seems to happen across the board. For some people those fines are a small matter, but for others they are a very large matter. I note how difficult it is to ensure payment of the fines; it requires quite an effort. We have had constituents who have been quite desperate and unable to get a hearing. But, nonetheless, I will be supporting the bill. If Mr Stefaniak thinks that his amendments should be followed through, then perhaps a bill could be tabled at a later stage.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.44): The government will not be supporting Mr Stefaniak's amendments. I have previously indicated the rationale for that and the difficulties associated with a graduated scheme here in the ACT. What I would add, however, is that it is important to note that we do have other mechanisms in place that recognise the severity of offences and the importance of people who do commit serious offences paying for part of the impact on their victims. I draw members' attention to the existing criminal injuries compensation levy. This is an existing levy that imposes a $50 surcharge on a person convicted of an offence.

The victim services levy and the CIC levy assist to provide financial compensation to victims, so that is a separate levy that provides for financial compensation to victims of serious crime. This levy is designed to provide funding for services to victims around counselling and rehabilitation, not financial compensation. It is important, I think, to draw to the attention of members that we already have provisions for more serious crimes to be caught up in the criminal injuries compensation scheme and for offenders to pay the cost of rehabilitation and, more importantly, financial compensation to victims in relation to those types of crimes.

The government believes the existing framework is adequate and does address comprehensively the range of issues at play. For reasons associated with the size of our jurisdiction and the need for an easily enforceable scheme, the government will not be supporting the amendments proposed by Mr Stefaniak.

Question put:

> That amendments Nos 1 to 5 be agreed to.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Dunne	Mr Stefaniak	Mr Barr	Mr Gentleman
Mr Mulcahy		Mr Berry	Mr Hargreaves
Mr Pratt		Mr Corbell	Ms MacDonald
Mr Seselja		Dr Foskey	Mr Stanhope
Mr Smyth		Ms Gallagher	

Question so resolved in the negative.

Amendments negatived.

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

Bill, as amended, agreed to.

Bill agreed to.

Legal Affairs––Standing Committee
Statement by chair

MR SESELJA (Molonglo) (5.50): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Legal Affairs (duties of Scrutiny of Bills and Subordinate Legislation Committee). The Animal Diseases Amendment Bill 2007 amends the Animal Diseases Act 2005 to permit the Director of Animal Hygiene to delegate his powers to members of the Australian Federal Police and to permit them to carry out functions of authorised people under the act. The committee has examined the bill and offers no comment on it.

Animal Diseases Amendment Bill 2007

Debate resumed from 4 December 2007, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (5.51): The Liberal Party will support this bill. It empowers the chief vet to delegate his powers not only to public servants as authorised persons but also to the Australian Federal Police; it broadens the definition of "authorised persons" to include police officers; and it provides that police officers will not be required to carry ID cards issued under the act, because they are already required to identify themselves. These amendments are proposed because it became apparent that issues such as the recent outbreak of equine flu would put pressure on current resources. A side benefit will be that it will clarify any intervention by the police in the physical transportation of horses and movement of horse vehicles.

While the amendments are minor and non-controversial, they are important because they expand the number and range of personnel who would be made available to manage situations such as the recent equine flu outbreak. Accordingly, we support them. It is good to see, four months on, that the equine flu threat is in decline. That is a good situation. Hopefully, the threat to the ACT must be diminishing. We will be supporting these amendments.

DR FOSKEY (Molonglo) (5.52): There is no need for me to speak because I have really got nothing to say except that it seems an eminently sensible bill and one that we will support.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (5.52), in reply: I thank the Leader of the Opposition and Dr Foskey for their contributions to this bill. I regret that it came rather late, but it was necessary in terms of our planning for the possibility—let us hope it is no more than a possibility and that it does not eventuate—of an EI outbreak over the next couple of months. This gives us enhanced powers to manage an outbreak of equine influenza in the ACT. As Dr Foskey has said, it is eminently sensible. I thank members for their understanding and their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Belconnen to Civic busway

MR SPEAKER: During question time I intervened on a question that was asked by Mr Seselja when I suggested that the minister was not required to answer questions on Liberal Party policy. I have reviewed the *Hansard* in relation to the question. The question was in order and I apologise.

Retirement of Mr Russell Lutton

MR SPEAKER: Before I call on Mr Corbell, the manager of government business, to move the last adjournment motion for 2007, I would like to make a brief statement concerning the retirement of the Manager of Hansard and Communications, Russell Lutton.

Today marks the last sitting day for Russell before he finishes with us next week. Russell commenced with us here in 2003 after a long and distinguished career in Hansard at the federal parliament.

During his time here, Russell has achieved a number of significant milestones. To name just two, he successfully implemented the webstreaming of Assembly proceedings and put in place the service-level agreement with InTACT, which resulted in an InTACT officer being located in the building to service MLAs and their staff. Russell has the unenviable task of listening to all of our speeches, and now watching us on the webstream, and then reading them all again to make sure that they are correctly recorded in *Hansard*.

On behalf of all members, I would like to thank Russell for his efforts over the last 4½ years. I wish him all the very best for the future.

Adjournment

Valedictory

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (5.55): I move:

> That the Assembly do now adjourn.

In moving the adjournment this evening, I simply want to very briefly place on the record my thanks to two members of my office who have departed this year after lengthy periods of service. I would like to place on the record my very sincere thanks

and gratitude to Ms Gina Pinkas and Ms Joy Nicholls, both of whom have been on my staff for a considerable period of time.

Gina Pinkas joined my office approximately seven years ago and only completed her service with my office earlier this year. Ms Joy Nicholls joined with me in opposition some 8½ years ago and has served me as a very effective and loyal executive assistant for all that time, in both opposition and government. I am very grateful for both Joy's and Gina's dedicated and loyal service and commitment to the work of the Labor Party in opposition and in government. They have proven to be very effective, loyal and outstanding staff members who have given me very good service. I want to express to them, formally, my best wishes for their retirement and their new courses in life and to thank them most sincerely for their service while they have been in my employment.

I also express my very best wishes to my Assembly colleagues on the Labor side—and, indeed, our opponents. I trust that everyone has a safe and peaceful holiday season. I look forward to joining with you all again in 2008.

DR FOSKEY (Molonglo) (5.57): If I seem to be taking precedence, it is because I have to leave very soon, and I regret that I will have to read your speeches rather than hear them.

I want to start by thanking my staff and the volunteers in my office. People will have noticed that there is often a very large population in there. Very few of them are full time, however; we juggle desks and people, and sometimes babies. It has been a difficult year for us all, for a variety of reasons, but everyone has been just fantastic. I will take responsibility for any mistakes.

And here is my Christmas speech:

> T'was three weeks before Christmas and on all sides of the house
> Members lay down their gauntlets and tried to be noice
>
> The speeches were written, the barbs hid with care
> The wit on display in case the media was there;
>
> Labor on the left, the Libs to my right,
> I've got used to watching and hearing them fight;
> The Speaker up high, the clerk's team at their desk,
> Hansard at attention, attendants in attendance,
> The odd public servant watching the natter,
> I jumped to my feet to add to the chatter.
>
> I wanted to say something that might save the Earth,
> But I thought I should try to add to the mirth.
> The sun comes up every day I wanted to say,
> So much solar power we are wasting away,
> When what to my wondering eyes should appear,
> But a Labor backbencher and his feed-in laws,
> Just the right legislation, to use this free energy source,
> I knew in a moment it must be Mr Mick,
> Stirring Climate Change apathy with carrot not stick.

And what might they say, the rest of the Members?
"We must do something before next December!
October'ld be better, by the third Saturday!
Grab a light globe comrades and let us away!
Jump into your hybrids, Hargreaves take a bus!
Kevin's come to Canberra, the sun shines on all of us."
Stanhope's team is glowing like incandescent lamps,
And Canberra's spirit has lifted by 100 amps.

The Liberals are routed, in government nowhere
Except in the Senate where they have one more chair.
Still the ACT Opposition is sticking to its guns,
And though he looks cuddly and so full of fun,
Their leader wants longer sentences in a prison far away.
Lack of compassion is why voters didn't want Howard to stay;
"Costs too much! Criminalise drug users! Don't build it at all!"
Did they ever hear that song "Just another brick in the wall"?
It's a big world with the need for generous thinking
Just ask people on the Islands that are sinking.

When did Liberals wash freedom and reason down the drain?
We all want the best for the city, but the kids would explain;
Please listen to us, our city's different to yours.
There are women here too, a powerful force;
Two deputy leaders, they don't sound like friends,
Both care about health but from different ends.

The Ministers work hard, no doubt about that,
The briefs can't all be read, the pile never gets flat;
A turn of the paper, a flick of the pen,
And schools and shopfronts close, a library doesn't open;
A woman waits for a bus that's changed its route,
And someone calls up Health First distraught,
But by the time the reassuring voice has finished,
The crying has stopped, the rash has vanished;
One of the good endings about which we do little talking.
Canberra is made up of stories that happen while we're not looking.

There is so much we must do to make the future bright:
"Happy Christmas to all and to all a goodnight."

MR STEFANIAK (Ginninderra—Leader of the Opposition) (6.00): Mr Speaker, I would like to start by thanking you and all the Assembly staff, especially, for their efforts over the past 12 months. It is amazing the assistance that we get from the staff. I start with Tom and his deputy, Max: they do a particularly great job; they and their staff are always there to help. On behalf of the opposition, I thank them for their assistance. Then there are the attendants, Hansard and everyone else in this building who contribute mightily to the efficient running of the place and invariably are cheery and willing to help. On behalf of the opposition I particularly thank all the Assembly staff—from you, Tom, all the way down—for their great assistance over the year. I wish you and your families all the very best and hope that you will have the chance to have a bit of a break over Christmas.

To the members of the Assembly—firstly to the Liberal team and also to our Labor and Green colleagues—I wish you and your families a particularly happy new year. It is going to be a big new year next year with the election in October. It has not been a slack one this year either. Dr Foskey alluded to a new federal government; we will see how that goes. Thank God we probably still have a Liberal majority in the Senate. At any rate, to all the members of the Assembly, to your families and to your own individual staff—my very best wishes for the festive season. I hope that everyone has a chance to recharge the batteries and have a bit of a break before next year actually starts.

I also thank my own staff, and my family, for their support. I am not the easiest person to deal with at times, but their unstinting support, especially that of my family, I greatly appreciate. I thank them for putting up with me over the last 12 months. I wish you all a merry Christmas. I will see you back here bright eyed and bushy tailed next year for what promises to be a very interesting year.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (6.03): I thank the Leader of the Opposition, Mr Stefaniak, for his best wishes. I join with him in similarly extending mine to all members of the Assembly and all members of the government—indeed, Mr Stefaniak, to you and your colleagues in the opposition. Politics is a tough business. It is appropriate that we reflect on our human side and take this opportunity—in short, that we take the time to acknowledge the job that we do with all of its permutations and in all its respects.

Mr Speaker, I most certainly wish the staff of the Assembly all the best for Christmas and the season. I thank them for their attention and their diligence and the support which they provide to each of us. I thank my personal staff and all the members of my team and their staff. Similarly, I wish members of the Liberal Party and the Greens all the best for the Christmas season and for the holiday.

I support and endorse exactly and precisely what Mr Stefaniak has just said about we politicians taking the time to reflect on our lifestyles, taking the opportunity presented by this holiday season, this Christmas season, to take a rest break. As a result of the nature of our work and our public exposure, there is a temptation to not be as kind to ourselves and our families as perhaps we should be. It is important that we all take time out and try and restore something of a life-work balance. We politicians are as guilty as anybody in society in not getting, or not working hard enough to get, the balance right. I endorse entirely what Mr Stefaniak just had to say on that subject as well.

So happy Christmas, Mr Speaker; happy Christmas to everybody in the place—and a peaceful and safe holiday season. I look forward to seeing you all again next year.

MR PRATT (Brindabella) (6.05): I too rise to thank colleagues. I will start by thanking my staff—Kate Davis, Sarah Mellor, Brett Chant—and young Johnno, who has been volunteering in my office. I thank my MLA colleagues. We are all having a

bunch of fun here and I thank them for that collective entertainment. I love watching them give these blokes a serve; I find that very, very entertaining. Well done, colleagues.

Conversely, I must also extend a merry Christmas and thanks for the entertainment to my government MLA colleagues and the backbenchers. I would like to particularly thank the Clerk, Tom; Max; Janice; all of your staff; and all of the attendants who work so hard to keep us in order here.

I would also like to thank the staff of our parliamentary party. We have got a very, very good bunch of people upstairs and it is a joy to work with them. I thank my supporters in the broader Liberal Party organisation and wish them a merry Christmas.

And, very importantly, I wish merry Christmas to my constituents—those whom I am here to serve. I particularly highlight one group within that broader span: members of our emergency services. I wish them a merry Christmas; I wish them a safe and an uneventful Christmas.

Finally, I thank my family—my wife, my daughter and my son—who put up with my absences and my presence in this particular place.

Mrs Dunne interjecting—

MR PRATT: Yes, I know; they celebrate while I am stuck in here giving the opposition a little bit of stick.

I would like to finish by saying merry Christmas to everybody and a happy new year. I look forward to seeing you all back here in 2008.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6.07): I would like to join with my opposite number, Mr Pratt, in thanking the people in Canberra who put up with his presence over the last 12 months. That has got to take the cake for the best Prattie-ism of the year. That was superlative.

Mr Pratt: I didn't say that.

MR HARGREAVES: You did. Seriously, Mr Speaker, I would like to join my colleagues and also I rise in this place to add Mary Porter's voice to mine. I know that I extend the best wishes of everybody in this place to Mary for a speedy recovery from her operation. On my own behalf and on behalf of Mary, I would like to thank our staff.

I thank my chief of staff, Geoff Gosling; senior adviser, Jim Mallett; Caitlin Bessell; Kim Fischer; Stacey Pegg; and all of the DLOs who have been so fantastic in my office. They are truly professionals.

I would also like to say thankyou to Annika, Emma and Ian from Mary's office for the support that they have given to not only Mary but also the wider Labor caucus. It has been really professional and I appreciate it very much.

As in previous years, Mr Speaker—I will do it again today—I express my appreciation to all of the Assembly support staff. I single out the attendants most times, because it is they who see the foibles of the chamber. They are always the ultimate professionals. They have probably the most boring job in Christendom and they always greet us with a smile in the morning. How they do that is totally beyond me, Mr Speaker. If it were not for the entertainment that Mr Pratt provides them from time to time, I am sure they would go stir crazy.

I would like to thank Ray Blundell for teaching me how to stand in front of the cameras. I would like to thank Hansard for their multilingual translation of some of the things that I have said over the last 12 months. The chamber support has been excellent. I thank the Clerk, Tom Duncan, for his straight-facedness when I have taken the micky out of other people besides Collingwood and I thank Max for not having a straight face when I have taken the micky out of St Kilda—because everybody else in the world does; I just have to follow with the herd, and you get that. Sorry, Max.

I would also like to express my appreciation to the folks in the library, to executive support—in fact, to everybody who works in this building. I have been here for nearly 10 years. Mr Smyth and I, with Mr Stanhope, came in here together; and I have to tell you that it has been a pleasure to work with a great bunch of people.

I also like to take this opportunity to thank my departments—particularly the CEOs, Sandra Lambert and Mike Zissler, and all of their officers. They are a superlative bunch of people. Both of them, and all of their officers, work with the best interests of Canberra at heart. Sometimes we get it right; sometimes we do not get it right. It does not matter; it is what is in their ticker that counts, Mr Speaker. They really, really do work particularly hard.

I wish everybody a merry Christmas—particularly those who work similar hours to us, those folks in the media. They work 24/7 like we do. At about this time of the year, we realise and appreciate the difficult job that they have, because both sides of politics give them heaps. I wish them all the best with their families over Christmas.

I thank my family, particularly my wife Jen, who has got to be one of the most long-suffering poor souls that God ever blew breath into. Colleagues who know Jen will know that she bears it with very strong shoulders. I would note that not only would I not have started this game without her; I would not have continued without her either. And to my wider family, to my brothers, my sisters, my father and all the rest of it—they are so supportive. When they see some of the things written and when they see some of the things spoken on radio and television, it would be easy for them to abandon me, but they do not.

I wish all of my colleagues here on both sides of the house a very joyous time over Christmas. I think the time now has come to take time out, take a breather and absorb ourselves in the love of our families. We do not get a shot at that too often. Once a year we can actually just immerse ourselves in the bosom of our families. I say: let us take that opportunity and use that to recharge. Maybe next year we will come back and enjoy the fruitful comedy of Steve Pratt.

MRS DUNNE (Ginninderra) (6.12): I had a disappointing visit to the pictures this week. While advising my friends and colleagues to give *Beowulf* a big miss, I started to contemplate the sorts of movies that we might watch over the holidays. I myself will be settling down to re-watch *Amazing Grace*, the movie about William Wilberforce and the end of slavery in Britain. Wilberforce should be a role model for all parliamentarians and I commend the movie to you all.

Mr Speaker, recently I saw a movie about the operation of the Stasi in the late years of the Honecker government—about the best movie I have seen all year. I thought that I would recommend this movie, *The Lives of Others*, along with *Good Bye, Lenin!*, as an East German pack for your holiday. But my staff reminded me of your support for the cleaning industry, so we put together a cleaners pack, including *The Cleaner*, *What the Window Cleaner Saw*, and *Ladies Who Do*, a comedy about industrial espionage aided by ladies who empty wastepaper baskets.

Mr Stanhope might like *The Dam Busters* or a trio of movies, *Falling Down, A History of Violence* and *The Quiet Man*; they are coming to you soon in a postal pack.

Ms Porter is off recuperating from surgery; she will have a lot of time to watch movies. She should not spend too much time watching *The Benchwarmers*, but she might want to get out of herself a bit; perhaps an otherworldly movie like *The Forgotten* might be up her alley.

Mrs Burke's range of interests includes health and mental health and disability. There is a range of those British comedy doctor movies starring Dirk Bogarde: *Doctor in the House*, *Doctor at Large*, *Doctor at Sea*. Actually, Mr Speaker, there are quite a few Dirk Bogarde movies in this list. I hope you can pick them. Mrs Burke might also like to catch up on some of the mental health side of her portfolio with *Psycho*, but beware the scene where Janet Leigh takes a shower.

Mr Barr: Not *One Flew Over the Cuckoo's Nest*?

MRS DUNNE: I thought of that. The Minister for Health could sit down with Mrs Burke and watch the *Doctor* movies, but I do not think that she has a taste for British comedy—and she does know the fate of Ms Leigh. With domestic and child-raising issues to the fore, I am sure, I suggest to her the original version of *Cheaper by the Dozen*; it would also help the minister for education increase the enrolments at ACT schools.

I know that Mr Mulcahy is a movie buff. During this holiday, I think he should settle down with all the *Bourne* movies. I know that he finds the character of Jason Bourne inspiring. He is a character who gets shot at and thrown into the sea; they send snipers and hit men of all types after him. People around him get shot up, but through it all the hero emerges—relatively unscathed but wiser and more determined. What better role model could there be for Mr Mulcahy?

The *Zorro* pack would be a bit obvious for Mr Seselja. Besides, you would have to decide which actors—Tyrone Power and Linda Darnell or the more modern Antonio

Banderas and Catherine Zeta-Jones. Judging by the accoutrements in Mr Seselja's office, there should be a *Star Wars* marathon over the holidays. And with all the small Seseljas at home over the holidays, it would be good to take in a few cartoons. It is not often that town planning issues and transport planning come across in a quality cartoon; I suggest *Who Framed Roger Rabbit?* as a must for the Seselja family's Christmas viewing.

There is a true story about a ship called the *SS Politician*, which in 1941, while en route from Liverpool to Jamaica, sank off Eriskay in the Outer Hebrides. The ship was carrying 250,000 bottles of whiskey at the time; the locals spent a lot of time trying to gather up those bottles before the authorities arrived. Compton Mackenzie turned it into a comic novel; it later became a comic film. *Whiskey Galore* is the perfect film for Mr Smyth.

Mr Smyth: I have it at home already.

MRS DUNNE: See. I just knew. Although it is not very long, he might also enjoy the Quentin Tarantino duo of martial arts films.

For Bill Stefaniak, the 1925 Sergei Eisenstein classic *Battleship Potemkin* is the perfect fit. It recognises his past policy formulation in the Liberal Party and his commitment to the defence forces. We know that Bill loves the odd war movie, so I suggest, amongst other things, *Battle of the Bulge* and the fabulous *The Password is Courage*, a movie about an inaptly named Sergeant Major Coward. Coward was a POW who was awarded the Iron Cross by the Germans for some of his escape attempts.

For Mr Corbell, my staff suggested *Waterworld*, because, like the busway, it was a flop and it never recouped the investment made in it.

Mr Seselja: That's the winner.

MRS DUNNE: I am not going to start that. But since Mr Corbell is still coming to terms with his job as Attorney-General, I thought that a John Grisham blockbuster pack would be better. A few courtroom dramas and the machinations about the odd law firm should be more up his street. His watching should include *The Firm*, *The Gingerbread Man* and *The Rainmaker*, a film to help him get across some insurance and indemnity issues.

Since it is hard to get a taxi around town, I thought that Mr Hargreaves could be entertained by *Taxi Driver* and *Driving Miss Daisy*, but I finally settled on a bridge pack: *The Bridges of Madison County* for their heritage value; *The Bridge at Remagen*; *The Bridge on the River Kwai*, another Bogarde movie; *The Bridges at Toko-Ri*; and *A Bridge Too Far*.

I know that Mr Pratt loves movies nearly as much as I do. I originally thought that *American Graffiti* was for him, but I eventually decided that in the spirit of cross-party cooperation he should sit down with Mr Hargreaves and watch the bridge pack. I know he is particularly keen on *A Bridge Too Far*.

One thinks that Mr Gentleman has a penchant for fast cars. I might suggest *Too Fast, Too Furious*, but some people might not think that that is quite in character for him. He might prefer a quieter mode following the career of one of the Marx brothers through *Duck Soup*, *A Day at the Races* and *Harpo Speaks*.

Ms MacDonald can spend the holidays catching up on all those Old Testament epics: *The Ten Commandments*; *Samson and Delilah*; *The Last Days of Sodom and Gomorrah*; and *Esther and the King*, which has recently been remade as *One Night with the King*, so there are two versions. But not everything should be a sword-and-sandal epic; she could take in a few musicals like *Fiddler on the Roof* and *Yentl*.

Sometimes Dr Foskey seems to be not on the same planet as the rest of us. I thought of *Blithe Spirit*, but in the light of the recent discussions on the Greens' drugs policy we have put together a stoned pack: *Fear and Loathing in Las Vegas*; *Pulp Fiction*; *Dazed and Confused*; *Half Baked*; and, for light relief with a public transport twist, *Dude, Where's My Car?*

There will be no Dirk Bogarde for Mr Barr and no *Snakes on a Plane*. I had been intending to give him a blockbuster teachers pack—*Akeelah and the Bee*, *Goodbye, Mr Chips*, *Blackboard Jungle* and *To Sir, With Love*, but after today's answer in question time there will be no movies at all for Mr Barr. Instead, there will be a pair of books—Michael Heywood's *The Ern Malley Affair* along with Peter Carey's *My Life is a Fake*.

To the members of the media, I have a few offerings as well. To our friends in print, you cannot go past Jack Lemmon and Walter Matthau with *The Front Page*, recalling the days when papers were papers and reporters were truly intrepid. To our friends in the electronic media, don't miss *Network* and *Broadcast News*, which has some of my favourite lines in movies.

To my staff Tio and Jeremy I say avoid *Rocky*—any *Rocky* movie—and *The Da Vinci Code* at all costs.

To the staff in the Assembly: apart from *Amazing Grace*, which we have already talked about, there are not many movies about the parliamentary process except *Mr. Smyth goes to Washington*—but that is not very Westminster—and some costume dramas about the English Civil War and Cromwell like *To Kill a King*. Hansard, I am sorry to say, rarely gets a look in in the movies, and committees are almost equally overlooked. For the attendants, my only suggestion is a film version of *Waiting for Godot*; I hope it is not too absurd.

MR GENTLEMAN (Brindabella) (6.20): To celebrate Christmas this year I am pleased to present the Assembly with the *Top Gear* awards. For those who are unaware, *Top Gear* is the top rating British car review show. I will start this year by giving the top gong to our illustrious leader. This year Jon receives the car made famous by the charismatic, smooth-talking James Bond—and what better car than Aston Martin's self-proclaimed king of cars, the DB9. According to Aston Martin,

opposition cars are a series of compromises, but more often than not these compromising cars are bland and soulless in reality. According to Aston Martin, sports cars should be all about character and driver involvement. They need to look great, sound great and have power and performance to match—but you may need a second approp to buy one.

Katy receives the Toyota Tarago people-mover. Stylish and versatile, the Toyota Tarago is also uncompromising in its performance and ability. There is nothing part time about this workhorse with its 3.5 litre, 202 kilowatt, six-speed engine. Can I also add that with the option of a V8 there is also the opportunity to move up to the top level.

Our emergency services minister Simon Corbell should be issued with the bushfire truck—"the foam pumper" as he is known by his mates—for his ability to quash opposition debate at the flick of a switch.

John Hargreaves is allocated the departmental Camry driven by Mr Zissler. Should the minister ever feel the need to act on his own impulse, Mr Zissler is there to pull on the handbrake.

Minister Barr is fittingly awarded with the Top Fuel Dragster with rainbow livery. Its $2 million price tag is nothing in comparison with the $6 million mountain bike rack mounted on the roof. But where will he drive this, one may ask.

Karin MacDonald, through her frugal ways, gets the Budget rent-a-car, a smart alternative to purchasing a vehicle, although those return deadlines really do play hell with her time management.

Mary Porter has the standard Holden sedan—no fancy bells and whistles but gutsy enough to power on day in and day out and relatively popular—but it is currently up on blocks until the rear axle reconditioning is completed.

The Leader of the Opposition this year receives the ASLAV award—the Australian light armoured vehicle, a marvellous, amphibious vehicle that even when it is out of its depth can still operate with its submarine machinegun taking pot shots across the chamber. But of course Bill is also aware of the dangers behind and has made some modifications to the armour between the shoulder blades of the ASLAV in preparation for the next nine months.

It is all about balance with Zed, so of course it is the BMW X3—a striking equilibrium of style and performance, happy to tell you about its European engineering, but we all know it is just another tacky, overpriced, middle-of-the-range poser's car. He has potential to be the best but his own organisation cannot justify the extra finance to buy him a few more bells and whistles. There is currently a seat vacant next to the ASLAV if he feels like jumping over.

Jacqui, of course, gets the Ford ute. It is able to carry two passengers but also quite a bit of extraneous luggage.

Richard gets the McLaren formula I award—all the flash and brilliance of a championship-winning car but for some reason, year in and year out, cannot quite get that podium finish. With the penultimate round of the championship approaching, the McLaren has the speed and agility to run laps around the rest of the field. Reliability, on the other hand, has been a proven problem.

Let us turn our attention left to someone who proudly does not know art but knows what he likes: Mr Pratt. He gets the TAMS graffiti removal truck. An essential feature of this vehicle is the reinforced windows to shield the driver from any unforeseen rock throwing and attacks that would go through if the minister were not there to protect him.

Brendan, of course, gets the back seat of the Ford and we see him in the back crying, "Are we there yet? Are we there yet?" Vicki is driving the Ford and she keeps calling back, "Brendan, shut up or you will be ejected from the chamber."

Deb, we all understand, drives the Prius. It is a little pricy for most Canberrans and she is only just beginning to realise that ridding herself of those batteries at the end of the road will be a real problem.

The Speaker's award this year is the 1936 Ford coupe with the supercharged V8. It may look a little weathered but this baby can out-accelerate the best of the fleet.

That, of course, leaves me with my Subaru, surefooted and turbocharged, but I have to provide it myself.

Finally, I would like to thank all the hardworking staff in the building: the Clerk's office for their stewards orders, the attendants for their marshalling services and keeping everyone on track, the library and *Hansard* staff for storing the telemetry data, the Committee Office for their wise counsel in times of uncertainty, and finally, my own service crew, for without them I would never get out of the pits.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (6.26): I would just like to take the opportunity to wish everyone a merry Christmas and to thank in particular my office. I have had a number of very talented people work with me this year and as a collaborative effort. I am always very pleased to be able to assist in the careers and the development of the careers of a number of outstanding staff.

I would like to pay particular tribute to Dave Peebles, my chief of staff; Liz Lopa; Pierre Huetter; Ryan Hamilton; Luke Ryan; Tracey Pulli, who would like me to name her as the hottest office manager in the building—so there we are, Tracey; I have given you that title; Nici Sweaney; Anya Aidman; David Barda; and Colin Campbell, together with Cathy Cooney, Michael Cooney and Matthew Lawrence who have also worked in my office this year.

I thank my DLOs Marianne McCormack, Brooke Ellis and Geoff Virtue, as well as Chris O'Rourke, Jenni Campbell and Rachel Lee, who have assisted in those roles over the course of the year.

Mr Speaker, happy Christmas to you, to all of my Labor colleagues, members of the opposition and Dr Foskey. I wish you and your families a safe and happy Christmas. And in closing I would like to thank my partner, Anthony, for putting up with me most of the year and the early morning phone calls from the media and from Liz. It has been perhaps a slightly easier year in 2007 than it was for us in 2006, but we are very, very optimistic about a positive year ahead for 2008. I am going to boldly predict a premiership for the Hawthorn football club and some very important social reform to occur in the ACT next year.

MR SMYTH (Brindabella) (6.28): Mr Speaker, I would like to start by thanking you and all your staff, the Clerk and the staff who assist us in all the various fields in the Assembly for the good job that they do; to all the members, particularly my colleagues, for all the support over the year and to the staff of all the members. I think we all know that we cannot do it without our staff; they work long hours and we should all be very proud of them.

I thank the constituents, the people of Canberra—we would not be here without them and we should always keep in mind those whom we serve. To my family and friends I would like to say thankyou for all the support. A number of members have said it is very important to keep your sense of where you are at this time of the year and I think that without family and friends all year round many of us might lose our way.

To Tim and Amy in the office, thank you for all your work. To Robyn and David at home, thank you for all the joy that this year has brought. The little fellow has learnt to walk and say some unusual words and he brings us no end of joy very early in the mornings, as they do. To my daughters Amy and Lorena, who have both left home now and moved to Sydney, I hope you are enjoying yourself there; they know that I am always here and I know they are always there.

Next year, 2008, will be interesting. It is the year of the rat for those who follow Chinese astrological signs, so it will be interesting to see what they bring. Rats are smart, magnetic, well liked, affable, quick witted, selfish, protective and calculating. But for all Australians it is of course the centenary of Australian scouting. The Australian government has announced 2008 as the year of the scouts, so keep an eye out for scouts when you are out there. The UN very kindly, in honour of my father, has nominated 2008 as the year of the humble spud. Next year is the 60th anniversary of my father leaving his homeland to come and live here in Australia, for which I am incredibly grateful, and so for those of you who do not like rats you can have chips instead.

I would like to say merry Christmas to everyone—and, in case you have not thought about it, there are only 46 weeks, one day, 23 hours and 30 minutes until the polls close.

MR MULCAHY (Molonglo) (6.30): I would also like to put on record some thanks at this special time of year in this happy and holy season of Christmas. I would like to thank my key staff: the senior adviser in my office, Robert Ayling, who does an exceptional job and I think at times deserves a medal for the effort and hours he puts

in; also Ben O'Neill, who is probably the most highly qualified person I have ever had work for me in 30 years; the occasional assistance I have from Anne Prendergast; and the assistance I had from Lindsay Hermes who worked for something in the order of 15 months and who finished up only in the last few weeks.

I would also like to formally put on record my thanks to my wife, Rose, and our children; three of the four are in the country at the moment and one is overseas but, as others have mentioned, they probably carry a very large part of the burden of being attached to a member of this place. It is not always a position that is particularly easy. As my colleague Mrs Dunne was quick to point out, I get more than a fair share of attacks, but I have learnt to leave the *Canberra Times* out of the home in which I live, and that makes their life substantially more pleasant. They have been very supportive, even at times when the missiles do not always come from the directions that one might expect. They do a great deal to support me, and I was delighted today that my eldest daughter came in here to hear question time, which she has done on other occasions at year end.

Mr Speaker, I would like to thank you for the fair way in which I believe you preside over the deliberations of the Assembly. I would also like to thank the Clerk and all of his staff for the advice that has been provided to me as a member and for the administrative support that is provided through those working with him. I make special mention also of the attendants, not only for keeping me hydrated through the sitting days but also for all the other manner of tasks that they carry out to assist us. To all of those working in the Assembly, I would like to express my thanks.

Above all, I want to express my ongoing thanks to the 100,000 or so electors whom I seek to represent and who provide me with a very strong level of support and encouragement by way of phone calls, emails, letters and the like and continue to bring issues to my attention. They have my ongoing assurance that I will represent their interests under all circumstances in the period ahead, because that is our primary duty, in my view—to represent the interests of the people who elect us here. On that note I will conclude and take this opportunity to wish one and all a very happy and holy Christmas and new year. I look forward to returning in 2008.

MR SESELJA (Molonglo) (6.33): I will not try to be funny, because I am not—

Members interjecting—

MR SESELJA: Well, people might find me funny in a different way sometimes, perhaps. I would like to take the opportunity, firstly, to really thank my family—I am looking forward to spending a bit more time with them over Christmas and new year—particularly Ros, who needs to shoulder much of the burden with looking after the kids on a day-to-day basis. I particularly pay tribute to her—and what an amazing woman she is—and to my beautiful children, Michael, Tommy, William and the lovely Olivia. I do look forward to spending more time with all of them.

Mr Pratt: It sounds like a battalion.

MR SESELJA: It is four-fifths of a starting five in basketball, so we are getting there.

Mr Barr: Or a preselection quota.

MR SESELJA: I have a few years before they can vote in a preselection. I give thanks to my staff, Steve and Bob; they are both absolutely brilliant. Steve is probably the best senior adviser going around, in my opinion; he does a fantastic job, has an amazing work ethic and really does do a lot to prop me up. Bob just puts in day to day; whenever he is there he is working hard, he is efficient, hardworking and loyal and I value all of those things from both Steve and Bob.

To all of the committee and Assembly staff, I particularly enjoy the banter with the attendants. I enjoy following Dick's winnings in the betting markets. It seems that, no matter who wins in the World Cup or otherwise, Dick's a winner. He always manages to find a way to hedge his bets in the right way that he always comes out on top, so maybe I will have to try and get some tips off him, because I have never been a successful punter.

To my Liberal Party colleagues—Bill Stefaniak, our leader; our deputy, Jacqui Burke; Brendan, Vicki, Richard and Steve—my thanks for your support and hard work during the year. I look forward to next year when we will have the opportunity to take government.

To my Labor and Green colleagues and sparring partners, I wish you all the best for Christmas and the new year. To the media, particularly those based here in the Assembly, I wish you all the best. To particularly my constituents in Molonglo, but also to all Canberrans, I would like to wish them a safe and happy Christmas, a restful break. To all of those that I have mentioned I wish you all the best for a really restful time. I am looking forward to a rest. I hope all Canberrans have the opportunity. We pray that it will be a safe time on our roads, in particular, as people travel. We pray that our road toll, hopefully in the ACT, will be zero in that time. So to everyone a merry and restful Christmas.

MR SPEAKER (6.37): May I, from the chair, wish all in the Australian Capital Territory the very best for the season and thank them for trusting us with this job. I hope that they have a period of peace and goodwill and take the time during this period to think of those people who are less well-off.

Question resolved in the affirmative.

The Assembly adjourned at 6.38 pm until Tuesday, 12 February 2008, at 10.30 am.

Schedules of amendments

Schedule 1

Victims of Crime Amendment Bill 2007

Amendment moved by the Attorney-General

1
Clause 2
Page 2, line 3—

omit clause 2, substitute

2 Commencement

This Act commences 7 days after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Schedule 2

Victims of Crime Amendment Bill 2007

Amendments moved by Mr Stefaniak

1
Clause 4
Proposed new section 23
Page 2, line 18—

omit

the Supreme Court or the Magistrates Court

substitute

the Supreme Court, the Magistrates Court or the Childrens Court,

2
Clause 4
Proposed new section 24 (2)
Page 3, line 1—

omit proposed new section 24 (2), substitute

(2) A person who is convicted of an offence is liable to pay the Territory a victims services levy of—

(a) for an indictable offence—$70; or

(b) in any other case—$30.

Note The victims services levy is recoverable under the *Magistrates Court Act 1930*, pt 3.9 (Enforcement of criminal decisions). However, that Act, s 154D (Fine defaulters—imprisonment) does not apply in relation to the victims services levy.

3
Clause 4
Proposed new section 24 (4)
Page 3, line 9—

insert

(4) If a person is imprisoned for an offence, the chief executive may deduct any unpaid victims services levy for which the person is liable in relation to the offence from any money held in trust for the person by the chief executive under the *Corrections Management Act 2007*.

4
Clause 4
Proposed new section 26 (3)
Page 3, line 22—

insert

(3) The court may also exonerate a person who is under 18 years old from liability to pay the levy if satisfied in the circumstances of the case that it is appropriate to do so.

5
Clause 5
Page 4, line 9—

omit clause 5, substitute

5 Dictionary, note 2, new dot points

insert

- chief executive (see s 163)
- Childrens Court
- indictable offence (see s 190)
- Magistrates Court
- Supreme Court

Answers to questions

Finance—household costs (Question No 1692)

Mr Mulcahy asked the Treasurer, upon notice, on 25 September 2007:

(1) By how much has the average annual household cost of (a) electricity, (b) water and (c) rates increased in real and percentage terms in each financial year since 1996-97;

(2) How much has the cost of vehicle registration increased in real and percentage terms in each financial year since 1996-97.

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

Answer to Part (1)

Figure 1

	Water		Electricity		Rates	
	$ change	**% change**	**$ change**	**% change**	**$ change**	**% change**
1996-97	n/a	n/a	n/a	n/a	n/a	n/a
1997-98	11.66	5.53	12.01	1.69	12.96	1.75
1998-99	-5.00	-2.25	9.29	1.29	14.46	1.92
1999-00	2.50	1.15	20.31	2.77	16.45	2.14
2000-01	0.00	0.00	90.57	12.04	-5.05	-0.64
2001-02	18.50	8.41	28.04	3.33	24.76	3.18
2002-03	17.00	7.13	14.05	1.61	23.01	2.86
2003-04	23.50	9.20	84.13	9.51	24.70	2.99
2004-05	-2.50	-0.90	20.64	2.13	19.17	2.25
2005-06	26.75	9.67	29.30	2.96	127.11	14.60
2006-07	31.25	10.31	50.97	5.00	86.69	8.69

Assumptions behind calculations for Figure 1:

Water

Calculated based on average of 250KL per household per annum.

Electricity

Calculated based on average of 8500kWh per customer per annum, applying the weighted average of all residential tariffs including off-peak.

Rates

The actual rates payable in any one year is a combination of the rating factor and the unimproved land value. The increase from year to year is therefore dependent on changes to unimproved land value as well as the rates factor. Accordingly, rates for an individual household may be more or less than the average.

Answer to Part (2)

Prior to 2006-07, the cost of vehicle registration was increased annually in accordance with the changes made to vehicle registration fees in the New South Wales. These changes were indexed based on increases in the Consumer Price Index (CPI).

Since 2006-07, increases in vehicle registration fees in the ACT have been indexed to the Wage Price Index (WPI).

These indicators are published on the Australian Bureau Statistics (ABS) website (www.abs.gov.au) under Catalogue Numbers 6401.0 for the CPI and 6345.0 for the WPI.

FireLink
(Question No 1696)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 26 September 2007:

In relation to the Auditor-General's report into the Firelink project which observes in paragraph 1.9 that there were related costs that weren't included in the final figure, can the Minister advise what the total final costs of the Firelink project were, inclusive of Agency and Authority staff and finalisation of the contract with Australian Technology Information.

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

As per the Auditor General's report some $592,000 was expended on a consultant for draft project management services mainly related to Firelink. To establish an accurate cost of associated agency overheads for day to day management, meetings, various contract issues would require extensive compilation.

Prisons—drug testing
(Question No 1707)

Mr Seselja asked the Attorney-General, upon notice, on 27 September 2007:

(1) In relation to detainees at Belconnen Remand Centre and Symonston Remand Centre in each year from 2003 to 2007 (a) how many urinalysis tests were undertaken, (b) how many of those tests returned positive for drugs, (c) what was the break up of types of substances identified for positive tests results and (d) what action was taken in relation to remandees who returned a positive result;

(2) How many syringes used for injecting illicit substances were discovered in each of the remand centres each year from 2003 to 2007;

(3) How many needle stick injuries have been reported at either remand centre in each year from 2003 to 2007;

(4) How many of those injuries outlined in part (3) relate to (a) employees and (b) remandees;

(5) How many cases of blood borne virus infections have been reported because of needle stick injuries that have occurred in either remand centre.

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

Note: the following figures relate to the period 1 January 2004 to 31 September 2007. The records from 2003 have been archived.

1a) 256 tests were conducted in 2004, 133 in 2005, 220 in 2006, and 131 to date in 2007.

b) The following table represents the results from the urinalysis tests conducted in 2004 to 2007. This table indicates the positive results, the numbers of detainees that refused to or were unable to provide a sample (refusals are adjudicated upon in the same way as positive results), those that were diluted and required retesting, and the number of positive tests that were dismissed because the detainee had not been in custody for 31 days.

	Positive	**Refused or unable to supply**	**Diluted**	**Less than 31 days in custody**
2004	38	26	13	14
2005	12	24	1	7
2006	27	36	3	21
2007	14	20	0	9

c) Positive urinalysis results were obtained for cannaboids, opiates, benzodiazepines, bupemorphine, and sympathomimetic amines. The later category includes amphetamines such as MDMA, methamphetamine, ephedrine, and cocaine.

d) A senior Custodial Officer conducts all adjudications resulting from a positive urine test. The penalty for a positive urine test results from all the facts discovered in the investigation and ranges from no further action where the results are the result of medical treatments to loss of contact visits and loss of privileges.

2) 14 syringes were located in the Belconnen Remand Centre and the Symonston Temporary Remand Centre in 2004, 12 in 2005, eight in 2006, and 10 to date in 2007.

3) No Custodial Officer or detainee has reported a needle stick injury.

4) See question 3.

5) There have been no reported cases of blood borne diseases resulting from a needle stick injury.

Prisons—recidivism (Question No 1708)

Mr Seselja asked the Attorney-General, upon notice, on 27 September 2007:

(1) In relation to rates of recidivism for people sentenced to prison in ACT Courts in each year from 2000 to 2007, what percentage of (a) prisoners by category of offence released from NSW prisons on behalf of the ACT return to prison within two years and (b) people by category of offence released from remand in the ACT return to prison/remand within two years;

(2) What is the projected recidivism rate being applied to planning for the Alexander Maconochie centre.

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

(1) The ACT does not report on recidivism as an indicator.

(a) This data is not presently disaggregated from NSW data; however, ACT Corrective Services is working towards collating the data for input into its database system when the Alexander Maconochie Centre is in operation.
(b) Refer to (a).

(2) The projected recidivism rate for the Alexander Maconochie Centre will initially be benchmarked against the national recidivism rate.

Business—outdoor cafes (Question No 1711)

Mr Smyth asked the Minister for Territory and Municipal Services, upon notice, on 27 September 2007 *(redirected to the Attorney-General)*:

In relation to fees that are applied to outdoor cafes under sections 15E and 15K of the *Roads and Public Places Act 1937*, what fees have been collected for each of (a) 2004-05, (b) 2005-06 and (c) 2006-07 from all outdoor cafes located (i) in each of the three primary areas, (ii) in each of the eight secondary areas, (iii) in the aggregate of all tertiary areas and (iv) in the tertiary areas of (A) Deakin, (B) Fyshwick, (C) Kippax, (D) Phillip and (E) Weston.

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

A breakdown of the fees collected for outdoor cafes for the past three financial years is attached.

CITY RANGERS OFFICE

OUTDOOR CAFE PERMITS - REVENUE FROM 1 JUNE 2004 TO 30 JUNE 2005

PRIMARY AREA			
	CITY	$63,191.62	
	MANUKA	$25,756.22	
	KINGSTON	$25,343.56	
	SUB-TOTAL:	$114,291.40	$114,291.40
SECONDARY AREA			
	CITY (OTHER)	$11,317.25	
	BELCONNEN	$3,365.04	
	BRADDON	$8,397.56	
	DICKSON	$14,109.75	
	GRIFFITH	$759.17	
	O'CONNOR	$4,858.12	
	YARRALUMLA	$2,965.19	
	WODEN	$6,903.25	
	SUB-TOTAL:	$52,675.33	$52,675.33
TERTIARY AREA	A - DEAKIN	$1,396.24	
	B - FYSHWICK	$1,998.14	
	C - KIPPAX	$616.66	
	D - PHILLIP	$232.14	
	E - WESTON	$1,323.82	
	OTHER TERTIARY	$17,449.39	
	SUB-TOTAL:	$23,016.39	$23,016.39
TOTAL ALL AREAS			189,983.12

CITY RANGERS OFFICE

OUTDOOR CAFE PERMITS - REVENUE FROM 1 JUNE 2005 TO 30 JUNE 2006

PRIMARY AREA	CITY	$77,638.09	
	MANUKA	$30,728.37	
	KINGSTON	$35,435.73	
	SUB-TOTAL:	$143,802.19	$143,802.19
SECONDARY AREA	CITY (OTHER)	$12,849.69	
	BELCONNEN	$4,436.46	
	BRADDON	$9,152.91	
	DICKSON	$15,270.73	
	GRIFFITH	$632.98	
	O'CONNOR	$6,290.84	
	YARRALUMLA	$4,866.50	
	WODEN	$11,066.22	
	SUB-TOTAL:	$64,566.33	$64,566.33
TERTIARY AREA	A - DEAKIN	$1,539.28	
	B - FYSHWICK	$3,102.26	
	C - KIPPAX	$892.57	
	D - PHILLIP	$1,757.56	
	E - WESTON	$1,552.77	
	OTHER TERTIARY	$27,514.02	
	SUB-TOTAL:	$36,358.46	$36,358.46
TOTAL ALL AREAS			244,726.98

CITY RANGERS OFFICE

OUTDOOR CAFE PERMITS - REVENUE FROM 1 JULY 2006 TO 27 SEPTEMBER 2006

PRIMARY AREA	CITY	$23,072.22	
	MANUKA	$7,372.31	
	KINGSTON	$9,459.02	
	SUB-TOTAL:	$39,903.55	$39,903.55
SECONDARY AREA	CITY (OTHER)	$2,022.10	
	BELCONNEN	$0.00	
	BRADDON	$0.00	
	DICKSON	$4,688.30	
	GRIFFITH	$0.00	
	O'CONNOR	$0.00	
	YARRALUMLA	$0.00	
	WODEN	$0.00	
	SUB-TOTAL:	$6,710.40	$6,710.40
TERTIARY AREA	A - DEAKIN	$0.00	
	B - FYSHWICK	$0.00	
	C - KIPPAX	$0.00	
	D - PHILLIP	$0.00	
	E - WESTON	$1,319.24	
	OTHER TERTIARY	$3,294.80	
	SUB-TOTAL:	$4,614.04	$4,614.04
TOTAL ALL AREAS			51,227.99

OFFICE OF REGULATORY SERVICES

OUTDOOR CAFE PERMITS - REVENUE FROM 27 SEPTEMBER 2006 TO 30 JUNE 2007

PRIMARY AREA			
	CITY	$94,764.48	
	MANUKA	$23,208.03	
	KINGSTON	$28,967.51	
	SUB-TOTAL:	$146,940.02	$146,940.02
SECONDARY AREA			
	CITY (OTHER)	$5,223.00	
	BELCONNEN	$2,076.00	
	BRADDON	$15,090.83	
	DICKSON	$15,977.75	
	GRIFFITH	$193.00	
	O'CONNOR	$8,398.00	
	YARRALUMLA	$4,320.00	
	WODEN	$2,142.00	
	SUB-TOTAL:	$53,420.58	$53,420.58
TERTIARY AREA	A - DEAKIN	$3,074.00	
	B - FYSHWICK	$866.00	
	C - KIPPAX	$268.80	
	D - PHILLIP	$199.68	
	E - WESTON	$598.00	
		$5,006.48	
	OTHER TERTIARY	$47,700.97	
	SUB-TOTAL:	$52,707.45	$52,707.45
TOTAL ALL AREAS			253,068.05

Emergency Services Agency—Fairbairn headquarters (Question No 1723)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 17 October 2007:

(1) How much rent has been spent on the Fairbairn headquarters this financial year;

(2) How many Emergency Services agencies have fully relocated to the headquarters;

(3) What kind of information communications technology infrastructure exists at the Fairbairn headquarters;

(4) What was the original target date laid down for the complete relocation of all emergency services and full occupation at Fairbairn when the Government took its decision to transfer the ESA and the emergency services from Curtin to Fairbairn;

(5) When will all emergency services headquarters elements, including the full ESA, be transferred to Fairbairn;

(6) What has been the delay in completing the full transfer to Fairbairn of all emergency services units;

(7) How much rent will be paid at Fairbairn for emergency services units for (a) November 2007 and (b) the period 1 November to 1 May 2008.

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

(1) None. The headquarters is not yet built.

(2) The ACT Rural Fire Service has already relocated to Fairbairn into Hanger 48 which is also known as the Air Support Operations Centre.

(3) None. The headquarters is not yet built.

(4) When originally announced in December 2005, it was envisaged that the Emergency Services Agency would be fully relocated in mid- 2007.

(5) An exact data has not been determined. A blocking and stacking exercise to determine the space requirements for each of the buildings to be occupied is well advanced and preliminary design work for the fit out of the workshops and the logistics centre has commenced.

(6) As stated in the Estimates Hearing on 20 June 2007, following my appointment as Minister and as a consequence of budget decisions made in 2006/2007, the ESA is undertaking a complete re-examination of the conditions of the contractual arrangements that were entered into to provide the government the best possible advice on basing options for the ESA Headquarters. There are also some issues related to the state of some of the buildings that has been a cause of concern, such as asbestos, and the government is looking closely at what our obligations are in relation to fit out, repair and maintenance of these buildings.

(7) (a) $173,635.74
(b) $1,235,618.34

Emergency services—fire safety (Question No 1729)

Dr Foskey asked the Minister for Police and Emergency Services, upon notice, on 17 October 2007:

Are there any services or agencies which assist with fire safety (e.g. garden and house maintenance) for the elderly or for people with disabilities.

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

(1) There are no specific agencies or services within my portfolio that specifically provide garden or household maintenance as these are provided by commercial providers. The ACT Fire Brigade will install smoke detectors for pensioners or persons with a disability if they call their local fire station, however I will point out that the ACT Fire Brigade does not supply the smoke alarms. Additionally, there are special circumstances in which local volunteer brigades or community groups may be able to assist individuals if and when they become aware of them.

In general the services Dr Foskey is referring to would be provided by the Department of Disability, Housing and Community Services. I have taken advice from Disability, Housing and Community Services and am advised that the properties provided to house people with disabilities within the ACT are Housing ACT properties, and are therefore, fully maintained under maintenance plans.

Policing—Burmese embassy rally (Question No 1730)

Dr Foskey asked the Minister for Police and Emergency Services, upon notice, on 17 October 2007:

(1) Were the police officers at the rally at the Burmese embassy on Friday, 28 September costed to the Commonwealth or the ACT;

(2) Were any of the police officers at the rally members of the NSW police force.

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

(1) Police presence at this rally will be charged to the Commonwealth.

(2) No.

Education—truancy laws (Question No 1732)

Dr Foskey asked the Minister for Education and Training, upon notice, on 17 October 2007:

(1) What are the current truancy laws for the ACT;

(2) Do the police have the power to enforce these laws;

(3) Are the laws being enforced;

(4) Do schools keep data on truancy rates, particularly for use with children at risk.

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

(1) The appropriate legislation on the issue is found in Chapter 2 of the *Education Act 2004, Enrolment and Attendance*.

(2) This would be a matter for the Minister for Police and Emergency Services.

(3) Student attendance is monitored at school level in accordance with the *Education Act 2004*. Non-attendance is monitored and followed up by the school in cases where the parents or carers have not provided a 'reasonable excuse'. Non-attendance is also monitored by the Department's Student Services section, which, through the Youth Education Support program, seeks to re-engage young people with school.

(4) All schools are required to track attendance and keep accurate attendance records for all students.

Water—construction sites (Question No 1747)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 13 November 2007:

(1) Is it viable for non-potable water to be used at the construction of the super school in Higgins to keep down dust levels rather than tankers refilling from the fire hydrant;

(2) Is the Government investigating this option for this and other construction sites.

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

(1) Yes. Non-potable water can be used on the construction of the West Belconnen P-10 School site for dust suppression purposes. The site project manager has previously been notified of this availability.

(2) Yes. The use of various sources of non-potable water for construction purposes is currently under investigation. The Government has also met with the Master Builders Association to work with industry on best practice use of non-potable water.

Housing—Causeway (Question No 1750)

Dr Foskey asked the Minister for Housing, upon notice, on 13 November 2007:

What liaison is occurring between the ACT Planning and Land Authority and ACT Housing about the fate of the Causeway residents.

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

(1) The liaison between the ACT Planning and Land Authority and Housing ACT has been directed towards the planning studies being conducted in the East Lake area. Issues of tenancy management are solely a matter for Housing ACT.

Planning—company details (Question No 1751)

Dr Foskey asked the Minister for Planning, upon notice, on 13 November 2007:

(1) In relation to Development Application No. 20702969, is it common practice to make the company details of developers publicly available;

(2) Are the company details of Talma Constructions publicly available; if so, where.

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

(1) The Development Application form requires the following information to be provided by an applicant or lessee/s if they are part of a company:

Applicant/Lessee Details

Surname	First name		
Australian Company Number (ACN)			
Company Name			
Position held within the Company			
Postal Address	Suburb	State/ Territory	Postcode
Phone Number Business Hours		Fax number	
Email Address			

(2) The company details of Talma Constructions can be found on the Australian Business Register. This information can be accessed online via the following website http://www.abr.business.gov.au. Details of Talma Constructions were not provided as part of the Development Application as this business is not the applicant or the registered lessee of the proposed development site. There is, however, a reference to Talma Constructions on the drawings submitted with the Development Application.

Planning—public interest (Question No 1752)

Dr Foskey asked the Minister for Planning, upon notice, on 13 November 2007:

(1) Who determines the definition of "public interest" with regard to section 239 of the *Land (Planning and Environment) Act 1991*;

(2) Is this definition recorded; if so, where;

(3) If the definition is decided on a case-by-case basis, what are the criteria for determining the definition.

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

(1) & (3)
Land (Planning and Environment) Act 1991 - Section 239 - the ACT Planning and Land Authority may, on request by a person making an objection, exclude the identity of any objector from being made available under section 237(5) or section 238 of the Land (Planning & Environment) Act 1991 (the Act) if, in the Authority's opinion based on reasonable grounds, it would not be in the public interest for that identity to be published.

The purpose of the public notification process is to provide the community an opportunity to comment on certain types of development proposals. It also provides the development proponent an opportunity to address any concerns raised during the notification process with the aim of achieving the best outcome for the site and the neighbourhood.

Once an objection is received and the objector has requested their identity be kept confidential, it is brought to the attention of the team leader of the Applications Secretariat. The team leader, in consultation with the Principal Officer, determines on a case-by-case basis if confidentiality is warranted.

Grounds for granting confidentiality generally include but are not limited to:

- where evidence has been provided that there have been cases of conflict and/or aggression between neighbours - often these cases have been reported to the police. (Approval to keep an objectors identity confidential is generally not given when the objector states, "they **think** their objection will upset the neighbour and **may** cause conflict");
- where an Apprehended Violence Order is in place; and
- a person's job requires their name and place of residence to be kept confidential. For example, Department of Community Safety case workers, some members of the Police force, private investigators etc. (These people have generally had their personal details removed from the Land Titles register as well).

Once a decision has been made to either approve or refuse the request for confidentiality a letter detailing the decision is prepared and forwarded to the objector.

If the application is approved appropriate steps are taken to remove the identity from the objection and the public register is updated accordingly. The applicant is then sent a copy of the objection with the identity of the objector removed.

In the case where a request is refused the letter to the objector provides them with the following options:

- supply additional information to support their request for confidentiality;
- withdraw the objection, in which case it will be not considered during the assessment of the Development Application; or
- let the objection stand with the associated disclosure of the objector's identity to the Development Applicant and members of the public.

The Authority will respond depending on the course of action the objector wishes to take.

It is also common practice to telephone and speak with an objector who has applied for confidentiality in cases where:

- the details provided in the objection clearly identifies who the objector is (i.e. the proposed extension will overlook my bedroom) regardless of whether or not their name and address is withheld;
- the objection contains inflammatory comments about the person seeking development approval. In these cases it is suggested that an objector may wish to amend their objection and keep it focused on the planning issues only, so as not to create conflict with the DA proponent; and
- there is not enough information provided for the Authority to make a decision.

(2) The definition of "public interest" is not defined in the *Land (Planning and Environment) Act 1991*.

Finance—consolidated revenue (Question No 1753)

Mr Mulcahy asked the Treasurer, upon notice, on 13 November 2007:

Given that the June Quarter 2007 Consolidated Financial Report which includes updated figures for the 2006-07 and the 2007-08 financial years, but does not contain updated forward estimates for future years, has the Government determined the updated forward estimates of the financial figures for future years; if so, what are the most current updated figures for (a) Tables F.1 to F.12 of the Budget (BP3, pp. 278-291), (b) Table 3.1.2 of the Budget (BP3, p. 31) and (c) Tables 3.1.6 to 3.1.11 of the Budget (BP3, pp. 41-48).

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

(1) The June Quarter 2007 Consolidated Financial Report contains information relating to the 2006 07 financial year. It does not contain any financial information for the 2007 08 financial year.

Tables F.1 to F.12 of Budget Paper No. 3 are financial statements prepared to meet the requirements of the Uniform Presentation Framework (UPF). It is a requirement of the UPF that these be updated as part of a Mid Year Review, published and provided to Loan Council members by end February of each financial year. The Government will be updating the UPF as part of its Budget Mid Year Review as required by Section 20A of the *Financial Management Act 1996* which requires that the Review be presented to the Legislative Assembly or circulated out of session to Members no later than 15 February in each financial year.

Although the Budget Mid Year Review will provide an update of summary level information for revenue (Table 3.1.2), the level of detail outlined in Tables 3.1.6 to 3.1.11 will not be updated until the release of the 2008 09 Budget.

Taxation—conveyances (Question No 1754)

Mr Mulcahy asked the Treasurer, upon notice, on 13 November 2007:

> In relation to the June Quarter 2007 Consolidated Financial Report, what is the breakdown of the amounts for duty on conveyances between commercial and residential conveyances for each of the figures in Attachment C of the Report on page 25.

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

> Below is an estimate of the revenue collected for residential and commercial conveyance. It should, however, be noted that conveyance duty is considered a single revenue line for accounting purposes. As the rate of tax applying is the same for residential and commercial properties, classification is not required for tax collection. Consequently these figures are not audited or published.

$'000	2005-06 Audited Outcome	2006-07 Annual Budget	June Quarter 2007 Budget	June Quarter 2007 Actual	2006-07 Estimated Outcome	June YTD Actual
Residential	$119,913	$123,948	$42,345	$58,418	$135,802	$166,173
Commercial	$49,134	$33,790	$34,680	$9,753	$63,000	$65,026
Total	$169,047	$157,738	$77,025	$68,171	$198,802	$231,199

Insurance—risk management (Question No 1755)

Mrs Burke asked the Treasurer, upon notice, on 13 November 2007:

(1) In relation to the increasing costs of indemnity insurance carried by ACT agencies and departments with the Australian Capital Territory Insurance Authority, what effort is the Government making to address the statement in the Authority's annual report 2006-2007 that escalating claims costs are due to poor risk management in agencies;

(2) How long has the Government been aware of this problem;

(1) What costs have been involved, to date, in this correction;

(2) Which agencies have been involved;

(3) How long does the Government envisage it will take to correct inefficient risk management strategies and what is the cost to the ACT budget.

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

(1) The ACT Insurance Authority is working to address this issue, and recently commissioned a risk management firm to look over the work done by ACTIA on its Cost of Risk Project, in particular, to focus on the manner in which the Project had been communicated to agencies.

ACTIA is currently recruiting staff to assist with the implementation of the key recommendations of this report. In addition, the Authority has continued to promote good risk management practices by organising lunchtime meetings for risk managers, covering topics of interest and sponsoring and conducting risk management training courses;

(2) ACTIA has been aware of the need for better risk management for some time, and has supported a number of initiatives over the years with all agencies to improve risk practices.

(1) Aside from the engagement of the above firm for advice, all work on these initiatives has been by existing staff in ACTIA and the agencies, and has not incurred extra cost for the Government.

(2) All agencies have been involved.

(3) Risk management strategies cannot be seen as having a finite objective, but include programs and procedures involving constant and continuous improvement in reviewing existing practices and the adoption of new practices to achieve better outcomes. At this stage, ACTIA envisages that all risk management initiatives will be met from within its existing budget.

Health—medical indemnity insurance (Question No 1756)

Mrs Burke asked the Treasurer, upon notice, on 13 November 2007:

(1) In relation to the increasing costs of medical indemnity insurance carried by ACT Health with the Australian Capital Territory Insurance Authority, how long has the Authority taken responsibility for this insurance and on what basis does it assess contingent liabilities;

(2) If there has been or might be in the future an increase in health indemnity insurance payments from the Authority to ACT Health, who is the underwriter or who is the re-insurer;

(1) What is the increase in premiums likely to be for the 2007-08 year based upon the processed claims to date;

(2) What areas of the ACT budget will be affected by the escalation of medical indemnity payments.

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

(1) The Australian Capital Territory Insurance Authority has had responsibility for this insurance since 1 July 1997.

The medical malpractice liabilities are derived by the Authority's actuaries from open claims and incidents with estimates of their expected cost. The actuaries use models to determine the number of incidents that will emerge as claims and their corresponding ultimate cost and the further claim development expected on open claims and their ultimate cost. Different models are used for large and small claims, and all projections are discounted and inflated in accord with actuarial and accounting standards. The Authority's liabilities are not contingent, but are based on sound cost estimation procedures, as outlined above.

(2) ACTIA underwrites all of ACT Health's claims up to certain limits, and reinsures above those limits with national and international reinsurers. These reinsurers vary over time depending on the availability of cover in the world market. For the current year, the principal reinsurers are Marketform (London), Swiss re , Hannover Re, Munich Re, Newline (London) and Chaucer (London).

Payments to ACT Health from ACTIA and the reinsurers will gradually increase as the insurance portfolio matures. To date this increase is slower than the actuaries have assumed.

(1) The increase in premiums for Health from 2006-07 to 2007-08 for medical malpractice was only $0.553m.

(2) The main areas of the Budget affected by medical indemnity payments are expenditure and revenue items in the accounts of ACT Health and the ACT Insurance Authority, and would relate to the payment of insurance premiums, payments on claims and reinsurance premiums and reimbursements.

Insurance—risk management (Question No 1757)

Mrs Burke asked the Minister for Health, upon notice, on 13 November 2007:

(1) In relation to the increasing costs of medical indemnity insurance, and further to the response to question on notice No 1714 and the annual report for ACT Health revealing that ACT Health is currently defending 462 actions, on what basis does ACT Health base its projections for future indemnity insurance;

(2) How will the rising cost be factored into the ACT Health budget;

(3) Will any functions currently undertaken by ACT Health be reduced or cancelled as a result of these rising costs;

(4) Is the Australian Capital Territory Insurance Authority the sole provider of indemnity insurance to ACT Health; if not, who are the other providers and how much insurance does each provide; if so, for how long has the Authority taken responsibility for this insurance and what does it base its assessment of these liabilities on.

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

(1) ACT Health relies on guidance from the ACT Insurance Authority for the cost of insurance.

(2) In the event that insurance costs are increased by the ACT Insurance Authority, then the impact is considered in the annual budget process.

(3) You refer to a "rising cost" that I am not aware of at this point in time. Usually ACT Health is advised of higher costs in time for budget consideration and it is not standard practice to reduce services to meet such costs.

(4) Yes, the Australian Capital Territory Insurance Authority is the sole provider of indemnity insurance to ACT Health. It has had responsibility for this insurance since

1 July 1997. The medical malpractice liabilities are derived by the Authority's actuaries from open claims and incidents with estimates of their expected cost. The actuaries use models to determine the number of incidents that will emerge as claims and their corresponding ultimate cost and the further claim development expected on open claims and their ultimate cost. Different models are used for large and small claims, and all projections are discounted and inflated in accord with actuarial and accounting standards.

Canberra Hospital—creditors (Question No 1758)

Mrs Burke asked the Minister for Health, upon notice, on 13 November 2007:

What are the (a) names, (b) amounts and (c) length of time unpaid of all creditors of The Canberra Hospital as at 30 June 2007.

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

The ACT Government's accounts payable system does not differentiate between the various Divisions of ACT Health. I have responded to your question in respect of the whole Health Department.

(A copy of the attachment is available at the Chamber Support Office).

Canberra Hospital—negligence claims (Question No 1759)

Mrs Burke asked the Minister for Health, upon notice, on 13 November 2007:

How many patients of The Canberra Hospital have had claims of negligence settled with monetary payments and were required to sign confidentiality clauses to receive the settlement in (a) 2003-04, (b) 2004-05, (c) 2005-06 and (d) 2006-07.

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

Year	Number settled with monetary payment	Number with Confidentiality clauses
(a) 2003-04	39	1
(b) 2004-05	14	1
(c) 2005-06	15	4
(d) 2006-07	11	3

There can be a number of years between the injury and settlement date. Monetary settlement can relate back to injuries occurring as far back as 1976.

Claims are made against individuals as well as the Territory and confidentiality clauses are made to protect their reputation.

Canberra Hospital—nursing shifts (Question No 1760)

Mrs Burke asked the Minister for Health, upon notice, on 13 November 2007:

How many nursing shifts at The Canberra Hospital were filled by agency nurses in the financial year 2006-07.

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

Nurses work a rotating, seven-day shift roster that comprises of day, evening and night shifts. The average length of a day and evening shift is 8 hours and a night shift is 10 or 12 hours. Usually one individual would fill each shift, however in some circumstances it may be split between two individuals.

The table below provides a response to your question for those nursing shifts at The Canberra Hospital that were filled by agency nurses in the financial year 2006-07.

The Canberra Hospital	2006-2007
Medical and Surgical Areas	3625
Women's and Children's	182
Total	**3807**

Nursing and midwifery shortages continue to be a concern both nationally and internationally.

Agency nurses provide services in times of peak organisational demand to ensure safe levels of patient care and assist in maintaining a healthy work/life balance for our permanent staff.

Housing—Fraser Court (Question No 1762)

Mrs Burke asked the Minister for Housing, upon notice, on 13 November 2007:

(1) What is the status of the repair or development of Fraser Court in Kingston;

(2) What are the Government's intentions in relation to the property.

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

(1) Fraser Court has been fenced off since all residents have been relocated to other properties. No repair work is being undertaken.

(2) As previously announced, negotiations with St Hilliers Pty Ltd have been terminated but the Government's intentions are unchanged.

Education—Universities Admission Index (Question No 1763)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 14 November 2007:

(1) Further to the reply to question on notice No 1662 in relation to the process used by the ACT Board of Senior Secondary Studies (BSSS) to calculate ACT Universities Admission Indices (UAIs) as set out in the current 2007 edition of the BSSS Policy and Procedures Manual (the Manual), given that in part (7) of the answer the Minister confirmed that notional aggregates are now determined for students who do not complete Year 12 can he (a) explain why the 2007 edition of the Manual does not mention the changes based on the use of Program for International Student Assessment (PISA) results for the first time, (b) confirm that the use of PISA results in the UAI calculation process is explained in an addendum and (c) make the 2007 Manual addenda publicly available noting the password protection currently set via <http://www.bsss.act.edu.au/publications/operational_resources>;

(2) Did the NSW Scaling Committee Table used to determine ACT UAIs need to be modified as a result of the use of PISA results in the 2006 UAI calculation process; if so, how and on what publicly available document is the rationale for such changes documented;

(3) Did the report by Dr Daley which led to the changes acknowledged in the reply to question on notice No 1662 part (7)(a) state that up until 1976, ACT school students seeking tertiary admission took the NSW HSC examination, and so gained tertiary admission qualifications on the same academic footing as their NSW contemporaries and in terms of academic performances (i.e. educational measurements), the distribution of HSC aggregate scores of the ACT students was effectively the same as the distribution of their NSW contemporaries [these observations are due to Morgan for 1975 data, and Daley's analysis of 1976 HSC results supplied by Mitchell] and that in other words, the selection mechanism by which students sought a tertiary admission credential in NSW and the ACT, produced across NSW on the one hand and within the ACT on the other, two candidatures of approximately the same spread of academic ability, notwithstanding the higher proportion of the age cohort (about 45%) in the ACT compared with about 30% in NSW;

(4) Noting the quote from Dr Daley's report as above – especially the 45% and 30% figures in the last sentence – and the Minister's answer to Estimates Question E07/160 and the 1978 report by Douglas Morgan which you acknowledged in your response to E07/160 (especially the 58% and 36% figures therein), wasn't it the case in 1975 and 1976 that (a) about 30% of the ACT age cohort achieved HSC aggregates reached by only 20% of the NSW age cohort, and, in view of this ratio of 30 to 20 or 1.5 to 1.0 or so and (b) the distribution of HSC aggregate scores of ACT students was actually significantly superior to that of their NSW contemporaries;

(5) Will the Minister make Dr Daley's report publicly available via the Department of Education and Training (DET) or BSSS website given that changes to the UAI calculation system have followed from this report;

(6) Does this 1.5 to 1.0 ratio identified in part (4) mean, for tertiary entrance score calculation purposes, that it has never been sound or equitable at any time since the mid 1970s to assume that the ability of ACT senior secondary students is equal to that of their counterparts in NSW;

(7) Is the Minister aware that (a) ACT UAIs are calculated in accordance with the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) agreement that the students of all States and Territories are assumed to be of equal ability for the purposes of tertiary entrance score calculations and (b) Dr Daley's report on page 2 states, in line with this MCEETYA equality assumption, that this assumption of the equivalence of Year 10 populations in different parts of Australia in terms of their academic performance, was the basis of an agreement between the States about 1995 to provide comparability of tertiary entrance ranks for immediate school leavers across the different state systems, despite the assumption being mostly untested and largely unquestioned;

(8) Will the Minister challenge the equality assumption referred to in part (7) in view of the clear evidence that this assumption is implausible, contrary to large bodies of evidence that suggests that ACT students are academically stronger than their NSW counterparts, and very unfair on ACT students;

(9) Does the Minister acknowledge that the processes used to calculate the UAIs of NSW Higher School Certificate (HSC) students in 2006 is set out in detail in the publication titled Report on the Scaling of the 2006 NSW Higher School Certificate which recently became available on the Universities Admissions Centre website (at <http://www.uac.edu.au/pubs/pdf/scaling_report_2006-web.pdf> and that page 9 of this report stated that of the 50 744 students in the 2006 UAI cohort, 46 181 completed the School Certificate Examination in 2004: 59.0% of the 78 214 students in that school certificate cohort;

(10) Can the Minister supply the figures for the ACT senior secondary education system corresponding to the NSW HSC figures as in part (9), specifically how many (a) students made up the 2006 ACT system UAI cohort (in other words, how many students in ACT colleges or schools received an ACT senior secondary system UAI in 2006), (b) of the students in the 2006 ACT system UAI cohort (the answer to part (a)) received an ACT Year 10 Certificate in 2004 and (c) of the students in the 2006 ACT system UAI cohort received a NSW Year 10 School Certificate in 2004;

(11) How many of the students in the 2005 ACT system UAI cohort received (a) an ACT and (b) a NSW Year 10 School Certificate in 2003;

(12) Does the Minister acknowledge that the statistics called for in parts (10) and (11) are necessary to accurately compare the UAI outcomes of ACT students with those of NSW in 2005 and 2006, given that NSW UAIs are percentile ranks based on the Year 10 School Certificate Cohort, as explained in the Report on the Scaling of the 2006 NSW Higher School Certificate;

(13) Do the statistics called for in parts (10) and (11) appear in any BSSS or DET annual report or other documents available to the public via their websites; if so, in what document(s) do these statistics appear; if not, will the Minister please ensure that these statistics are reported in DET or BSSS annual reports or otherwise made publicly available via DET or BSSS websites in future.

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

(1) (a) My response to QON 1662 (1) indicated why the changed Year 12 candidature in 2006 was not included in the 2007 ACT Board of Senior Secondary Studies (BSSS) Manual.

(b) The addendum to the 2007 BSSS Manual states the new policy for the calculation of the Year 12 Candidature. The Manual lists the BSSS' policies and procedures. It does not include the research that is used to inform BSSS policy. Accordingly, it does not refer to PISA results.

(c) The 2007 Manual addenda are now publicly available on the BSSS website without password protection.

(2) As the Table is the intellectual property of the NSW Scaling Committee, I am unable to comment. I am also unable to comment on NSW scaling procedures as requested in later questions.

(3) (4) The report to the BSSS *Relating ACT and NSW UAI populations via PISA and other scores* by Dr Daryl Daley is now publicly available on the BSSS website.

(5)-(13) The BSSS has recently sought a range of external advice on its procedures and also regularly reviews its procedures as new data becomes available. I am not prepared to divert any further resources to responding to this question.

Water—swimming pool installations (Question No 1764)

Mr Pratt asked the Minister for Planning, upon notice, on 15 November 2007:

(1) How many new swimming pools have been approved to be installed each month in (a) 2004-05, (b) 2005-06, (c) 2006-07 and (d) 2007-08 to date;

(2) Have any approvals been granted subject to certain conditions; if so, what are these conditions;

(3) How many requests for new swimming pools have been refused each month in (a) 2004-05, (b) 2005-06, (c) 2006-07 and (d) 2007-08 to date;

(4) What have been the grounds on which new swimming pools have not been approved;

(5) Given the continuing drought conditions in the ACT, has any consideration been given to prohibiting the installation of new swimming pools; if not, why not;

(6) Has any consideration been given to removing the existing exemptions relating to the installation of new swimming pools; if not, why not;

(7) Given the continuing drought conditions in the ACT, what restrictions, if any, apply to the installation of spas;

(8) If there are no restrictions on the installation of spas, why is this the case.

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

(1)

Approvals				
	04/05	**05/06**	**06/07**	**07/08**
July	39	4	16	24
August	46	5	38	20
September	38	15	31	23
October	35	19	38	24
November	41	30	25	28
December	18	18	28	
January	12	12	22	
February	26	21	21	
March	17	20	25	
April	18	13	11	
May	6	29	27	
June	2	32	21	
Total	298	218	303	119

(2) Conditions were imposed relating to:

- Noise requirements: noise mitigation measures in accordance with the requirements of Environment ACT to be applied to pool equipment;
- A commercial application required an access and mobility report for the pool area;
- Waste management plans were required to be submitted to and approved by Territory and Municipal Services;
- In a number of cases clarification of the section plans showing depth and relation to natural ground level was required;
- Revised site plans showing safety fences were required in a number of cases; and
- Increase of setbacks from boundaries.

(3) & (4) The following Development Applications (DAs) were refused:

- One (1) DA was refused in October 2006 as it was part of a development for the whole block that was found to be inconsistent with the Territory Plan.
- Four (4) DA's were deemed refused in 04/05 and one (1) in 06/07 as they were not assessed within the statutory 6-month period.
- One (1) single residential DA was withdrawn in 07/08.
- One (1) commercial DA was also withdrawn in 07/08 after a decision handed down by the Administrative Appeals Tribunal.

(5) No. Pools are a desirable and sometimes necessary recreation or therapeutic private amenity for many Canberrans. Their prohibition is not necessary because water is currently still available from sources other than the ACT potable water supply, such as spring water, bore water or interstate water. Prohibition may also be premature should sufficient rainfall water supply occur in the future.

(6) Under level 3 water restrictions there is no general exemption for new pools. For information regarding stage 3 water restrictions please review the ACTEW website.

(7) Spa installations must satisfy any three star (triple A) plumbing requirements for water efficiency. If part of a new building the spa installation must form part of meeting a 40% reduction in potable water use compared with 2003 water usage levels under the *Waterways: Water Sensitive Urban Design General Code July 2007* that will come into effect with the new Territory Plan in March 2008.

(8) Spas are still considered to be an acceptable residential and hospitality amenity, but new installations/buildings will need to be considered in the context of the 40% reduction of potable water use as detailed above.

Human rights—compatibility statements (Question No 1765)

Dr Foskey asked the Attorney-General, upon notice, on 15 November 2007:

(1) In relation to Human Rights Act compatibility statements, why isn't the full, or even partial, reasoning which concludes that legislation is human rights compatible included with the statement, or on the Human Rights Commission website;

(2) Would implementing this practice help raise awareness of human rights issues amongst the public and also amongst public servants.

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

(1) At the very outset, the government envisaged that the compatibility statement would institutionalise human rights considerations at the beginning of the policy development process. The approach has been to conduct compatibility assessment through consultation between the Human Rights Unit in the Department of Justice and Community Safety and the agency responsible for the relevant bill. It is Government policy that human rights issues must be addressed in the first instance in the Explanatory Statement to the Bill, prepared with the assistance of the Human Rights Unit, similar to the approach adopted in the UK. This approach is complemented by the Unit assisting agencies to prepare Government Responses to Scrutiny Reports by the Standing Committee on Legal Affairs where it raises human rights issues. So, while the compatibility statement is *evidence* of the dialogue, it is not its only *source*.

(2) The approach of the Human Rights Unit is to define the questions for agencies to ask themselves, send them away to explore those questions, and return to participate in a conversation, rather than receive the definitive answer to their human rights issue. Each interaction is a tutorial on the particular human right engaged, rather than a conference with a client at which advice is provided. This reflects the Government's focus on building a human rights culture within the public sector. Additionally, for key bills, agencies are encouraged to make the case for compatibility to the wider community through exposure drafts or other means of public consultation.

Public service—Ombudsman's recommendations (Question No 1766)

Dr Foskey asked the Attorney-General, upon notice, on 15 November 2007:

(1) Is it a requirement under the Chief Minister's Directions for agencies to report on remedial action taken in response to Ombudsman's recommendations; if so, does a similar requirement exist for auditors' recommendations;

(2) How is the Office of Fair Trading responding to criticisms contained in an Auditor-General's Report.

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

(1) The Chief Minister's 2006-2007 Annual Report Directions require agencies to report on the most significant developments in scrutiny, both internal and external of the agency and the agency's response, including particulars of ACT Auditor General and ACT Ombudsman reports.

The Chief Minister's Department has developed guidelines for responding to reports by the Auditor-General and a Handbook for ACT Government Officials On Participation in Assembly and Other Inquiries. The guidelines can be accessed at: http://www.cmd.act.gov.au/__data/assets/pdf_file/0019/1828/glines_ag_rpts.pdf and the handbook can be accessed at: http://www.cmd.act.gov.au/__data/assets/pdf_file/0010/1603/hbkassembly_inq.pdf.

(2) The Office of Regulatory Services, which includes the previous Office of Fair Trading, endeavours to comply with these guidelines and the handbook in responding to any Auditor-General's reports.

Human rights (Question No 1769)

Dr Foskey asked the Attorney-General, upon notice, on 15 November 2007:

(1) In relation to the Human Rights Commission annual report 2006-07, does the Commission anticipate or see the need to conduct a human rights audit of security services provided at the Law Courts;

(2) At the bottom of page 11 is there a mention of an exemption application for sex discrimination, and one for race; if so, will the Minister briefly explain these applications.

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

(1) I understand that the Human Rights Commission does not have any plans to conduct a human rights audit of the security services provided at the Law Courts.

(2) There are references in the Commission's annual report to two exemption applications, made under s109 of the *Discrimination Act 199*1. In the relevant reporting period, the Commission considered but did not grant an application seeking exemption from the law with respect to sex discrimination from a company operating a jobseekers' website aimed at women. This exemption was not granted because the Commission considered that the measures in place would be likely to satisfy the test, specified in s.27 of the *Discrimination Act 1991*, for a measure intended to achieve equality. Such 'special measures' operate as an exception to unlawful discrimination, on which a respondent can seek to rely in the event of a discrimination complaint being brought.

The second application to which the Commission's annual report refers was for exemption from the law with respect to race discrimination. The exemption was sought to enable the applicant corporations to comply with the US International Traffic in Arms Regulations (ITAR), which impose contractual obligations to restrict employees' access to certain material on the basis of nationality or national origin. With the applicant's permission, the Commission invited submissions from stakeholders in relation to the exemption application. This application was still under consideration at the time of reporting but I understand that the Commission ultimately found that an exemption was not warranted.

Emergency Services Agency—business plan (Question No 1770)

Dr Foskey asked the Attorney-General, upon notice, on 15 November 2007:

Further to the mention on page 281 of the ACT Emergency Services Agency (ESA) annual report of the ACT Fire Brigade's development of a business plan to complement the ESA business plan, (a) what stage is this plan up to, (b) when is it expected to be finalised and (c) who is being consulted with in regard to this plan.

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

(1) (a) The final draft of the ACT Fire Brigade Business Plan 2007-2010 has been circulated to staff for comment. Comments on the plan were due on the 16th November 2007.

(b) The ACT Fire Brigade Business Plan is expected to be finalised through the Commissioner's Business Group on or around mid December 2007.

(c) Consultation commenced in mid 2007 and has included work place focus groups, consultation with the United Firefighters Union, the Community Fire Unit Consultative Committee and other relevant stakeholders from the Emergency Services Agency. A first draft and now a final draft have been forwarded to stakeholders for comment.

Policing—review (Question No 1771)

Dr Foskey asked the Minister for Police and Emergency Services, upon notice, on 15 November 2007:

(1) In relation to the ACT Policing annual report 2006-07 and the Police Consultative Board, (a) what are the terms of reference for this review and (b) how and what members of the community are involved in this review;

(2) Further to the reference on page 117 of the annual report to drug testing of officers, (a) how many officers proved positive to a drug and (b) what were the drugs;

(3) What action did ACT Policing take as a result of these positive tests;

(4) Are any sergeants or constables on Australian Workplace Agreements (AWAs); if so, (a) is ACT Policing aware of the arguments put forward by the Australian Federal Police Association (AFPA) that AWAs can compromise integrity of the policing environment and (b) what is ACT Policing's response to the AFPA's concerns;

(5) When there is a disagreement between the Ombudsman's office and ACT Policing about whether a complaint should be termed serious, or substantiated, how is this resolved and reported.

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

(1) The Government is examining the current role and functions of the Board, with a view to reforming how this Government responds to law and order issues, along with crime prevention and community safety, and how the Government continues to engage closely with the wider ACT community on these matters.

(2) No ACT Policing personnel, sworn or unsworn, tested positive to illicit drugs in the 2006-2007 financial year.

(3) No ACT Policing personnel, sworn or unsworn, tested positive to illicit drugs in the 2006 – 2007 financial year.

(4) There are no Sergeants or Constables within ACT Policing who are on Australian Workplace Agreements.

(5) The AFP Professional Standards Tiered Model evaluates complaints according to the seriousness of the matter and places them into one of four categories. When a complaint involves serious misconduct, breach of the criminal law or serious neglect of duty, (Category 3) it is forwarded to AFP Professional Standards. The Ombudsman's Office is provided with a final report on all investigations. If the Ombudsman disagrees with the outcome of a matter referred to Professional Standards, a review of all material relevant to the investigation is undertaken and a report is drafted by Manager Professional Standards and forwarded to the Ombudsman's Office.

Housing—Northbourne flats (Question No 1773)

Dr Foskey asked the Minister for Housing, upon notice, on 15 November 2007:

(1) Are there any arrangements to repair or clean up the shared areas of the Northbourne flats;

(2) Does ACT Housing have a plan for the ongoing maintenance of these areas.

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

(1) Housing and Community Services maintains the common areas of the Northbourne flats through their Total Facility Maintenance provider Spotless P & F using an ongoing rolling program that is reassessed at the end of each financial year.

(2) See answer to (1)

Housing—Causeway
(Question No 1774)

Dr Foskey asked the Minister for Housing, upon notice, on 15 November 2007:

(1) What, specifically, is the Minister and the Department of Housing doing to facilitate the residents of the Causeway through the lengthy process of change in their area;

(2) How will residents be looked after through the process of redevelopment;

(3) Will the Minister ensure that residents will be given options for relocation, for example on the current site (in apartment blocks), or in the new eco-village, or to a public house in a new area entirely.

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

(1) Housing ACT has facilitated three meetings with the residents of the Causeway since the ACT Planning and Land Authority commenced the East Lake planning studies in 2005. The meetings provided the opportunity for the residents to provide input. Officers from Housing ACT attended two of the meetings to answer any questions regarding their tenancy.

(2) Housing ACT will continue to meet with the Causeway residents throughout the planning process. The tenants will be fully informed about any decision to redevelop public housing so that they can make decisions about their future accommodation location.

(3) A range of options will be considered, including the possibility of remaining within the redeveloped housing or relocating to a new area.

Planning—Molonglo
(Question No 1775)

Dr Foskey asked the Minister for Planning, upon notice, on 15 November 2007:

(1) Who is planning the street design for the Molonglo Development;

(2) Is solar orientation being taken into account;

(3) Did the Minister visit the Molonglo exhibition by design students at the University of Canberra.

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

(1) The ACT Planning and Land Authority is undertaking this planning, with support by expert consultancies and in consultation with the Department of Territory and Municipal Services. It should be noted that at both the structure and concept planning stages, the location of roads and their hierarchy are indicative. They provide a guide future detail planning, design and construction.

(2) Yes.

(3) No. A number of ACT Planning and Land Authority staff were involved in assessment of 4th year landscape architecture projects on Molonglo.

Land—Kaleen
(Question No 1779)

Mr Seselja asked the Minister for Planning, upon notice, on 15 November 2007 *(redirected to the Chief Minister)*:

(1) What land is available in Kaleen and adjoining suburbs that is suitable for development of a community facility;

(2) How many expressions of interest or applications for development have been received in relation to Block 8 Section 85 Kaleen;

(3) What is the preferred use for Block 8 Section 85 Kaleen;

(4) What criteria will be applied if more than one expression of interest/application is received in relation to Block 8 Section 85 Kaleen;

(5) What is the likely date that a decision will be made in relation to expressions of interest/applications received for development of Block 8 Section 85 Kaleen;

(6) Will alternative sites be offered or at least identified for any organisation that has been unsuccessful in relation to Block 8 Section 85 Kaleen.

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

(1) Block 8 Section 85 (No. 33 – 47 Warrego Circuit), is the only community land currently available in Kaleen and adjoining suburbs;

(2) One;

(3) Community Facility;

(4) Formal Government approval is now being sought for the direct grant of Block 8 Section 85 Kaleen to the current applicant. No other applications will be considered for this site unless formal Government approval is not granted;

(5) It is anticipated that the Government may formally consider this direct grant application either in late 2007 or early 2008.

(6) The Land Development Agency and ACTPLA will endeavour to identify a site for direct sale to any interested party if they satisfy the conditions set out in the relevant disallowable instrument.

Housing—Wakefield Gardens
(Question No 1780)

Mrs Burke asked the Minister for Housing, upon notice, on 20 November 2007:

What plans, if any, does Housing ACT have for the public housing properties that fall within the Wakefield Gardens Housing Precinct Heritage zone.

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

(1) Housing ACT is proposing to construct another dwelling at 23 Suttor Street Ainslie. The additional dwelling will be used to provide accommodation for people with disabilities.

Australian National Botanic Gardens—summer concerts (Question No 1781)

Dr Foskey asked the Chief Minister, upon notice, on 21 November 2007:

Is the Australian National Botanic Gardens being forced to reduce the number of summer concerts in its program this year; if so, given the popularity of these concerts with Canberra people, will the Minister enter into discussions with the Friends of the Australian National Botanic Gardens with a view to supporting the concert program this summer and/or for further seasons.

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

(1) Yes. The summer concert season will take place over only two weekends - 12 and 13 January, and 19 and 20 January 2008.

(2) It is not appropriate for the ACT Government to discuss the Department of Environment and Water Resources' decision to reduce the concert program with the Friends of the Australian National Botanic Gardens. However, I would be willing to raise the issue in future discussions with the new Federal Minister responsible for the Botanic Gardens.

Arboretum—Wollemi pines (Question No 1782)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 21 November 2007 *(redirected to the Chief Minister)*:

(1) How closely are the Wollemi Pines planted in the Arboretum genetically related to the stand in Wollemi National Park;

(2) What is the watering regime for the Wollemi Pines in the Arboretum.

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

(1) The Wollemi Pines planted in the Arboretum are clones sourced from the stand in the Wollemi National Park.

(2) The expert advice for watering guidelines of the Wollemi Pines in the Arboretum is 20 litres per tree per fortnight in summer and higher evaporation periods.

In reality, the watering regime for the Wollemi Pines in the Arboretum is variable. Watering volumes are determined based on a weekly assessment of soil moisture levels. Water sourced from either a bore or the Lower Molonglo Water Quality Control Centre is stored on site in a tank and pumped into a dripper system on an 'as needs' basis. Recent rains have negated any requirement for onsite watering.

Environment—corroborree frogs (Question No 1783)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 21 November 2007:

(1) What are the key identified threats to the survival of the Corroborree frogs in the wild;

(2) What is the Government doing to ensure that released frogs will not suffer the same decline as the wild frogs.

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

(1) The key threat to Corroboree Frogs in the wild is an introduced pathogen, Chytrid fungus. *Chytrid fungus* has been listed as a key threatening process under the *Environment Protection and Biodiversity Conservation Act*. It has caused the mass decline of frogs world-wide and in some cases, extinction. The fungus appears to have originated in Africa and spread due to the live trade of amphibians. The disease first appeared in Australia in the late 1970s but was not identified as a new species fungus affecting frogs until the late 1990s.

(2) Whilst there is much research being conducted world-wide on *Chytrid fungus*, it is unlikely that the disease will be eradicated from the wild. However, a number of frog species whose populations declined due to Chytrid, are now showing signs of recovery. It appears that if frog populations survive the initial epidemic, there is the potential to develop a level of resistance. The recovery of wild populations of Corroboree Frogs is dependent on developing a natural resistance to the fungus. A key aim of the Corroboree Frog Recovery Program is to raise large numbers of frogs in captivity and then release back into the wild, to assist in the persistence of wild populations exposed to the fungus, and enable natural selection for resistance. Eggs from more resistant frogs that breed in the wild are collected and raised in captivity to breed strains of more resistant frogs. However, the first challenge is to breed Corroboree Frogs in captivity to maintain the species.

To date breeding Corroboree Frogs in captivity has been largely unsuccessful in the institutions with southern Corroboree Frogs in captivity (Melbourne Zoo; Taronga Zoo; and the Melbourne Amphibian Research Centre). The first trials to breed northern Corroboree Frogs will occur this summer at the Tidbinbilla Nature Reserve, although the oldest of these captive frogs (4 years old) may still be too young to breed.

Action 35 in the ACT Government's *Climate Change Strategy*, the Sphagnum Bog Mapping and Recovery Plan, acknowledges the intrinsic ecological values of the Corroboree Frogs habitat. An active sphagnum bog rehabilitation program has been underway following the 2003 fires.

Disability services—supported accommodation assistance program (Question No 1784)

Dr Foskey asked the Minister for Disability and Community Services, upon notice, on 21 November 2007:

(1) Which Supported Accommodation Assistance Program (SAAP) services have ceased to function since the implementation of the 2006-07 budget;

(2) Which SAAP services have reduced the support they offer to clients as a result of the budget cuts;

(3) Have any indigenous services been affected; if so, how;

(4) Has the ACT Government set up processes to evaluate the impact of the cuts in service delivery;

(5) Given the unexpected budget surpluses, are there plans to reinstate funding to some of those services.

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

1.Winnunga Nimmityjah advised the department that they would cease operating Dyiramal Migay on 30 June 2007. Canberra Community Housing for Young People (CCHYP) advised the department in June 2007 that it would cease service delivery to young people on 31 July 2007. Neither of these services received a reduction in funding in the 2006-07 Budget.

2. Castlereagh House ceased to operate on 10 October 2006. Anglicare Housing Program absorbed the 3 medium term (plus an additional place) into their existing program at no additional cost.

3. No Indigenous services received a reduction in funding in the 2006-07 Budget.

4. There have been no cuts to service delivery. The SAAP national data collection and the Productivity Commission's Report on Government Services will enable the Government to monitor ongoing service levels in SAAP.

5. No. However the 2nd Appropriation provided $189,000 rising to $200,000 for the Early Morning Centre, drop in service for homeless people.

Youth—support services (Question No 1785)

Dr Foskey asked the Minister for Disability and Community Services, upon notice, on 21 November 2007 *(redirected to the Minister for Children and Young People)*:

(1) What services, including specialised emergency accommodation, are currently available to children and young people under the age of 15 who are homeless and are separated from parents and guardians;

(2) Have there been any changes in the services provided over the last two years;

(3) Are any further changes expected in the near future.

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

(1) The Department of Disability, Housing and Community Services provides or funds a range of services for children and young people under 15 who are homeless and separated from parents and guardians. These include placements with kinship or un-related foster carers and a range of residential placements. In addition a number of short term Stabilisation, Assessment and Transition placements are available. The Department also funds a range of services to support young people at risk.

(2) There have been no changes in the services provided over the last two years, however from 1 July 2007 Youth SAAP services adopted a policy of targeting its services only to those young people who are over 15 years.

(3) No.

Water—golf club management plans (Question No 1788)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 21 November 2007 *(redirected to the Treasurer)*:

(1) What are the (a) sources of, (b) quantities of and (c) costs paid for water for all golf clubs in Canberra where the ACT is the supplier;

(2) Are clubs asked to submit water management plans to indicate measures they are taking to restrict water use;

(3) Are golf clubs' water use monitored to ensure that they comply with water restrictions.

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

(1) (a) Golf courses source their water from urban surface water (including stormwater), groundwater and ACTEW's mains water supply (potable water). One golf course uses treated effluent from the Lower Molonglo Water Quality Control Centre.

There are thirteen golf courses in the ACT. Of these, nine golf courses report an ability to operate independently of potable water, although two of these clubs rely on potable water for internal building use. The average reliance on potable water amongst the four other clubs is 60 per cent — amongst these clubs, reliance varies between 30 and 100 per cent.

(1) (b) In the 2006 07 year, total consumption for the six clubs that use potable water, was 320 megalitres (ML), noting this includes two clubs that have reported independence from potable water but where potable water was largely used for internal building use.

In 2006 (calendar year), about 239 ML of non potable water was sourced from groundwater and about 691 ML of non potable water was sourced from surface water.

(1) (c) The total amount billed for potable water to the six metered golf clubs in 2006-07 was $518,000.

Golf clubs paid $15,832 for ground water (through the water abstraction charge) in 2006 (calendar year). There were no payments for surface water.

(2) Water management plans are not required for golf courses using non-potable water. However, under the *Water Resources Act 2007*, Disallowable Instrument DI2007-194, all existing and new applications for non-potable water are assessed under this instrument to ensure the efficient use of ACT water resources and, in particular, to minimise wastage.

Under the ACT's Water Restrictions Scheme, those golf clubs managing lawns and plants using potable water are required to meet a 35 per cent reduction in water use under the current Stage 3 Water Restrictions.

I am advised that ACTEW has requested golf clubs to submit strategic water conservation plans demonstrating a 35 per cent reduction in 2006 07 in usage against the equivalent season in 2005-06. In addition to the required percentage reduction, ACTEW requested the golf clubs limit irrigation during the hours 10am-6pm.

To encourage long-term water savings on these sites, and to assist the clubs that rely on potable water increase their turf's chance of survival should Stage 4 Water Restrictions be introduced, ACTEW is currently offering golf clubs exemptions to convert to water efficient warm season grasses, such as Couch. ACTEW advises that several clubs have taken up the offer.

Under possible Stage 4 (Tier 1) Water Restrictions, Golf clubs and their peak body, ACT District Golf Association, have been advised that ACTEW intends to provide a limited exemption, which would only allow the irrigation of greens with potable water.

Should full Stage 4 (Tier 2) be required, golf courses will only be able to irrigate using non-potable water.

(3) All mains water use (potable water) is subject to the *Utilities Act 2000* and thus must comply with water restrictions unless exempt by ACTEW. Non-potable water is not subject to the *Utilities Act 2000* and is not required to comply with water restrictions.

However, non potable water users are required to meet their annual licence volume under the *Water Resources Act, 2007* (as previously mentioned in question 2).

ACTEW monitors the potable water consumption quarterly and has recently carried out a process of updating the status of the grass conversions and percentage use of potable water at ACT golf clubs.

Due to reducing yields from onsite bores and dams, a number of golf courses have increased their reliance of potable water, but are asked to overall meet their 35 per cent target reduction.

Planning—Molonglo
(Question No 1790)

Dr Foskey asked the Minister for Planning, upon notice, on 21 November 2007:

(1) Are all environmental assessments and planning reports on the Molonglo Valley Development Proposal publicly available; if so, would the Minister provide details on where each report can be accessed; if not, what are their titles, and why are they not available;

(2) Would the Minister provide copies of the publicly unavailable reports as outlined in part (1).

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

(1) *Preliminary assessment of a draft variation to the Territory Plan (DV281) and major infrastructure associated with urban development at Molonglo and North Weston* contains a list of references (p149 ff) to environmental assessment and planning reports. A note to this section advises that specified documents may be viewed or obtained from the ACT Planning and Land Authority. These are documents for which the Authority holds copyrights. Other documents listed are either already in the public domain (eg. conservation strategies) or are available only from the authors or publishers.

(2) A CD containing the documents for which the Authority holds copyrights will be made available to Dr Foskey.

Conservator for Flora and Fauna
(Question No 1791)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 22 November 2007:

(1) What expertise does the acting Conservator for Flora and Fauna have to qualify him to act in this role;

(2) Who does the Conservator consult when making decisions on issues related to natural resources and biodiversity management;

(3) Who does the Conservator report to;

(4) When will the position be filled permanently.

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

(1) The Nature Conservation Act requires the Chief Executive to appoint a public servant as the Conservator of Flora and Fauna. Hamish McNulty, Executive Director Environment and Recreation was appointed Conservator on 1 July 2006. Mr McNulty has significant experience in local government in NSW and in the ACT public service in areas such as land management. He also has a well developed knowledge of land planning and development and a good understanding of tree management issues.

(2) The Conservator takes advice from groups such as the Tree Advisory Panel, Flora and Fauna Committee and the Natural Resource Management Advisory Committee.

(3) As a statutory position holder the Conservator is independent.

(4) Mr McNulty was appointed to the role of Conservator on 1 July 2006.

Planning—Woden
(Question No 1800)

Dr Foskey asked the Minister for Planning, upon notice, on 4 December 2007:

(1) Will trees in the vicinity of the Sirius Building, Woden be removed as part of the redevelopment of the site;

(2) Are new trees planned in the landscaping of the development.

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

(1) Yes. Approval has been sought for the removal of a large number of trees in the vicinity of Sirius House including 14 regulated trees. The Conservator has made a decision under the *Tree Protection Act, 2005* to permit the removal of 4 regulated trees on non-development grounds. A decision on the remaining 10 regulated trees rests with the ACT Planning and Land Authority under the *Land (Planning and Environment) Act 1991*.

(2) Yes. New Street trees are proposed to be planted on the Northern and Western frontages of the new development and adjacent to the southern boundary of the development site.

Bushfires—farm firewise program
(Question No 1801)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 4 December 2007:

(1) What information are landowners asked to disclose in order to assist the Farm Firewise program;

(2) What information is documented on properties;

(3) How is this information documented and what purpose does this information serve;

(4) What department or contractor is undertaking the collection of information for Farm Firewise.

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

(1) Leaseholders provide information voluntarily when engaged in Farm FireWise. The information requested is on the Farm FireWise Risk Assessment Worksheet, a copy of which has been separately forwarded to the Secretariat.

(2) This information is available on the Farm FireWise Risk Assessment Worksheet.

(3) Leaseholder information, where agreed with the leaseholder, may be added to GIS formats for agency use. Completed Risk Assessment Worksheets are stored on confidential files. The information collected under Farm FireWise is used to assist in analysis of fire response and prevention planning.

(4) The Department of Justice and Community Safety, through the Emergency Services Agency.

Planning—A10 core areas (Question No 1806)

Mr Seselja asked the Minister for Planning, upon notice, on 4 December 2007:

(1) In relation to the development application process applying to multi-unit developments in A10 core areas, are traffic assessment studies undertaken when a development application is submitted that substantially increases the housing density of a particular area; if so, is the study undertaken (a) before the application is released for public comment, (b) after public comment is received or (c) before approval is given to the development application;

(2) Has a traffic assessment study been undertaken in relation to DA 200702969; if so, what was the outcome of that study; if not, why not.

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

(1) Traffic assessment studies may be required by the ACT Planning and Land Authority (the Authority) for some multi-unit redevelopments in A10 areas depending on the scale of the proposal. If required, the studies would normally be prepared prior to public notification and determination of a Development Application (DA).

(2) Traffic and Parking issues were addressed in the Design Response Report submitted in support of DA200702969 (DA). The DA was referred to Territory and Municipal Services (TaMS)(Asset Acceptance) for review and comment. TaMS advised the Authority "traffic and parking had been satisfactorily addressed by the Design Response Report".

Planning—Gungahlin (Question No 1807)

Mr Seselja asked the Minister for Planning, upon notice, on 4 December 2007:

(1) What have been the key events involving the lodgment and consideration of a development application relating to Block 12 Section 176 Gungahlin since it was originally lodged in 2004;

(2) What is the current status of that development application;

(3) Does all work that has been undertaken in relation to Block 12 Section 176 Gungahlin comply with the Territory Plan and are all works in accordance with an approved development application; if not, (a) what works have been undertaken that are not approved and (b) when were those works commenced;

(4) What action has ACT Planning and Land Authority (ACTPLA) taken to ensure that all works undertaken are in accordance with an approved draft variation;

(5) What action does ACTPLA propose to take to ensure that rectification work is undertaken;

(6) What time frame will apply to the requirement to undertake that rectification;

(7) What action will be taken if the developer does not comply with any rectification order that might be issued;

(8) Under what authority can ACTPLA enforce its decision.

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

(1) The key events are:

- An adjoining property owner, Mr Tindale, expressed concerns about issues of non-compliance with approved plans during construction of a new single storey residence on the adjoining property at Block 12 Section 176 Gungahlin.

- Specifically, Mr Tindale's concerns relate to the height of a masonry screen wall constructed along a 12-metre length of the boundary between the properties, the use of the area between the wall and the 1500mm setback of the garage for storage purposes, and a proposal to roof this area.

- The ACT Planning and Land Authority (ACTPLA) refused an amendment application to roof the area because the application did not comply with s247(2)(a) of the *Land (Planning and Environment) Act 1991* (Land Act) in that, if approved, the amendment would change the effect of a condition. The applicant appealed the decision to the Administrative Appeals Tribunal (AAT). The AAT referred the matter to Mediation and the applicant withdrew the application shortly after.

(2) ACTPLA has asked the applicant to lodge a new Development Application (DA) seeking approval for any non-compliant work.

(3) All approved works comply with the Territory Plan. The lessee is, however, seeking approval to roof the storage area.

(4) An amendment application has been lodged but cannot be approved for the reasons outlined in (1) above.

(5) ACTPLA is encouraging the applicant to seek approval for any non-compliant work. However, ACTPLA can take action under the Land Act.

(6) Time frames are determined in consultation with applicants, depending on the complexity of work to be undertaken.

(7) A range of actions are available under the Land Act, which escalate depending on the seriousness of the issue and level of inaction, but which is subject to legal processes.

(8) ACTPLA can enforce its decisions under the Land Act, however, this can be subject to legal processes that seek to ensure procedural fairness.

West Belconnen fire station (Question No 1812)

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on 5 December 2007:

(1) How many staff are rostered to the West Belconnen Fire Station;

(2) What equipment is regularly housed at the station;

(3) What other fire-related activities are carried out from the site.

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

(1) There is routinely four staff on duty at West Belconnen Fire Station. During days of Very High Fire Danger or Total Fire Ban this number may increase to eight.

(2) There is regularly one urban pumper, one light tanker and one heavy tanker housed at the station.

(3) Staff at West Belconnen Station undertake the full range of activities as carried out at all Canberra Fire Stations. This includes response to urban and bush fires, road accident rescue, hazardous materials, general rescue, storm damage, hazard inspections, childcare inspections, community fire unit training and community education.

Water—public housing (Question No 1814)

Dr Foskey asked the Minister for Housing, upon notice, on 5 December 2007:

(1) Are public housing homes monitored for water usage; if so, how regularly;

(2) Are public housing tenants made aware of their water usage and, if need be, informed of unsustainable usage;

(3) Are checks made on public housing homes to ensure there are no leaks or problems, or is it up to the tenant to monitor these issues.

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

(1) Monitoring of water usage at public housing properties using data supplied by ACTEW commenced recently. Water invoices are being scanned for high or inconsistent water consumption whilst automation of the system is being investigated;

(2) Tenants with high water usage will be advised of their high water consumption and remedial action implemented;

(3) Properties that indicate high or inconsistent water consumption will be checked for water leaks or other infrastructure faults. Tenants are also encouraged to notify Housing ACT or the Total Facility Manager, Spotless where they notice problems with water infrastructure or appliances, such as leaking taps or cisterns etc.

Kambah—leasehold inspections (Question No 1815)

Dr Foskey asked the Minister for Planning, upon notice, on 6 December 2007:

(1) In relation to the clean up of block at 54 Morant Circuit, Kambah and given that the ACT Planning and Land Authority (ACTPLA) 2002 Order stated that to "clean up a leasehold by removing the accumulation of miscellaneous items and debris from the land and to continue to keep the land clean to the satisfaction of the Territory", does the ACTPLA removal of everything from the yards at 54 Morant Circuit, Kambah signify that the satisfaction of the Territory required that the block be cleared of all items regardless of any value or use;

(2) Can the Minister confirm whether this standard for a clean yard is applied to all other lessees in the Territory; if not, why not;

(3) Was the lessee notified within a reasonable time that the satisfaction of the Territory was to be the removal of everything in the yard regardless of value and use;

(4) Upon what lawfully obtained evidence collected by ACTPLA inspectors during 2002, in the form of photographs and inspection reports, was the clean up of the yard at 54 Morant Circuit, Kambah on 2-4 December 2002 conducted;

(5) Will the Minister provide the supporting documentation referred to in part (4);

(6) Will the Minister explain upon what lawful basis ACTPLA inspectors authorised the clean up of the yard at 54 Morant Circuit, Kambah on 2-4 December 2002, given that (a) the Administrative Appeals Tribunal (AAT) Consent Decision gave the lessee until 25 November 2002 to comply with the Order, (b) ACTPLA inspectors failed to determine on that date whether the lessee had complied and that (c) section 259 of the *Land (Planning and Environment) Act 1991* stipulates that an order can only be executed by the Planning Minister if the lessee has not complied within the specified period;

(7) Given that ACTPLA inspectors failed to determine whether the lessee had complied with the AAT Consent Decision on the due date of 25 November 2002, did the inspectors breach the terms of the Consent Decision;

(8) On what basis, according to the *Land (Planning and Environment) Act 1991* and the Regulations, were the lessee's garden sheds demolished and the contents removed given that the AAT Consent Decision did not specify demolition of unapproved structures on the block nor was there a current demolition order in place;

(9) Will the Minister provide the supporting documentation referred to in part (8);

(10) Given that ACTPLA wrote to the lessee on 15 November 2002, retrospectively adding demolition of the garden sheds to the AAT Consent Decision, was the demolition of the sheds a breach of the AAT Consent Decision which did not specify demolition.

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

I do not intend providing detailed responses to the Member's questions. As with a similar approach being taken in relation to another matter, it is clear that these questions are designed to pursue matters that have been the subject of court and other legal proceedings, and in doing so, seek to by-pass those judicial arrangements.

I will restate the position I have taken in response to Question on Notice No. 1816. This is another case where the lessees flagrantly flouted the law and have not complied with numerous opportunities to rectify the matter that they are required to attend to. The Government has the responsibility to follow statutory processes and abide by the decisions of the Territory's tribunals and courts. It also has the responsibility to have regard to the amenity of all residents, and in this case there are other constituents whose quality of life is affected by this ongoing matter that has been the subject of compliance by ACT planning bodies over many years.

Further, I regularly see correspondence from Assembly Members who chastise ACTPLA for not taking compliance action and when ACTPLA does take such action it gets taken to task for doing so.

This matter has been comprehensively dealt with through the legal processes and the lessee is required to attend to the orders of the Court. It is disappointing that Dr Foskey continues to act for the lessees who continue to avoid their obligations.

My detailed response to Question on Notice No. 1678 of 24 September 2007 provided detailed information about the processes and actions that have been taken in relation to this matter. The Supreme Court has considered all relevant matters in regard to this case, and neither the ACT Planning and Land Authority nor the ACT Government can act contrary to the decisions of the Court.

As with the stream of questions regarding Block 45 Section 37, Waramanga, I do not intend to continue to debate aspects of this matter that have been properly dealt with through the judicial processes.

Planning—Waramanga (Question No 1816)

Dr Foskey asked the Minister for Planning, upon notice, on 6 December 2007:

(1) Further to administrative issues made by Planning and Land Management (PALM) /ACT Planning and Land Authority (ACTPLA) about Block 45 Section 37, Waramanga regarding plans number 26446 D, E and F, project number 983370, plan number 013890/A, and plan number 044470/A, did Mr Richard Johnston's briefing to

the then Minister for Planning, Mr Simon Corbell made on 1 July 2005 and later re-quoted in Minister Andrew Barr's answer to question on notice No 1677 in 2007, fail to acknowledge schedule 5 item 6 of the *Land (Planning and Environment) Act 1991* (Land Act) as indicative that on 29 July 1998 building work could be lawfully carried out with a development approval under the preserved power of the repealed Buildings (Design and Siting) Act 1964;

(2) Is it a fact that on 29 July 1998 to carry out building work with plans 26446 D, E and F either one or the other of the two development approvals as specified in schedule 5 item 6 of the Land Act would have been sufficient;

(3) Is it a fact that the plans, having been approved for design and siting development on 24 May 1978 under the *Buildings (Design and Siting) Act 1964*, continued to have a valid development approval today while ever the building construction is ongoing;

(4) Was the form entitled Application Acknowledgement completed and signed by the Deputy Building Controller, Mr Bill Dagger, on 22 July 1998 under the *Building Act 1972* (Building Act), withheld from the lessees and the courts by PALM/ACTPLA from 22 July 1998 to 10 October 2005 (the date of disclosure by FOI), and did the advised new project numbered 983370 ever have a plan number endorsed on a floor plan, or an associated valid Building Permit linked to an Owner-Builder Permit;

(5) Is it a fact that on 29 July 1998 26446 D, E and F were lodged on 22 July 1998 for a further three year building approval with amendments under the Building Act, and there was no requirement to have a further re-approval for development under section 230 of the Land Act;

(6) Is the Minister able to say whether the endorsement of a stamp of a development approval on the Floor Plan of plans 26446 D, E and F pursuant to section 230 or 245 of the Land Act on 29 July 1998 was unlawful and should never have been granted and endorsed in view of the fact that the lessees had never signed and completed an application form for such a section 230 or 245 development re-approval;

(7) Should the Building Application fee and Owner-Builder Assessment fee endorsed as paid on the Application Acknowledgement form dated 22 July 1998 for alleged project number 983370, be refunded with interest to the lessees because this Application Acknowledgement form never acknowledged the plans 26446 D, E and F that were lodged with PALM accompanied with an application form for a Building Approval with amendments under the Building Act;

(8) Is it a fact that an order to comply with the terms of an approval to undertake a development under section 256(5)(b)(iv) of the Land Act cannot be enforced without a development approval validly granted pursuant to Division 6.2, Section 230 or 245 of the Land Act for plans 26446 D, E and F;

(9) Is the Minister able to confirm that in the light of the penalties imposed in schedule 5 items 5 and 6 (R10 republication of the Land Act) that on 29 July 1998 it was deemed lawful to complete the building work already commenced on 24 May 1978 with (a) the design and siting development approval granted on 24 May 1978 under the repealed Buildings (Design and Siting) Act 1964, (b) a Building Approval under the Building Act and (c) a linked Owner Builder Permit;

(10) Is it a fact that (a) schedule 5 item 9 of the Land Act lists having vegetation overhanging a public place as an indictable offence, (b) alleged vegetation

overhanging all boundaries of a leasehold, except overhanging a public boundary is not an indictable offence and does not satisfy the making of an order, (c) that the offences in schedule 5 items 5, 6 and 9 do not lawfully apply to the lessees of Block 45 Section 37 Waramanga and do not substantiate the making of an order under section 256 of the Land Act;

(11) Will the Minister confirm (a) a letter dated May 2006 written by ACTPLA officer, Karen Wilden, of the Land Regulation Unit to Margaret Hunter of the office of the Director of Public Prosecutions (DPP), requesting prosecution of a breach of the Land Act including brief of evidence re bamboo (vegetation) and including site photographs of Block 45 Section 37 Waramanga and (b) whether or not the matters of the alleged failure of the lessees to comply with the order and rectification notice re vegetation had been acted upon by the DPP; if so, what action had been taken by the DPP on that reference;

(12) Did the Minister receive an email from the lessees of Block 45 Section 37 Waramanga on 22 November 2007 requesting the relief of Government court costs as a result of the failure of ACTPLA to administer the order in the cause of fair justice; if so, will he answer the request of the lessees in a timely manner;

(13) Will the Minister confirm that Mr Robert Callaghan, a contractor/consultant to PALM investigating rural leases, made an application for an order under section 256 of the Land Act re block 45 section 37 Waramanga on 2 December 2002 at 1424 hours, as disclosed by FOI;

(14) Will the Minister confirm that on 2 December 2002 while Mr Robert Callaghan was on contract and was paid to work from 1400 hours to 1700 hours, someone at 1424 hours on behalf of PALM tendered $10.00 cash to the PALM cashier for paying the application fee for lodging an application form for an order No.20026313 signed by Mr Robert Callaghan, as disclosed by FOI;

(15) At the above time was Mr Robert Callaghan contractually barred from representing himself as an officer of PALM, as disclosed by FOI;

(16) Will the Minister confirm that on the application form for an order No.20026313 Mr Robert Callaghan, as if he was a person representing PALM, gave his address and telephone number as that of PALM, thereby contravening the agreement in his contract which contractually barred him from representing himself as an officer of PALM;

(17) Is the Minister able to confirm that the concerns held by Mr Robert Callaghan written in paragraph 5 of his application for an order re block 45 section 37 Waramanga, had not been derived from his personal knowledge of the block;

(18) Will the Minister provide any record of a personal site inspection and reports written by Mr Robert Callaghan in support of his claims and concerns as relating to paragraph 5 of his application form;

(19) Did Mr Robert Callaghan provide a witness statement and/or facts and contentions for the Administrative Appeals Tribunal (AAT) proceedings AT 03/05 in support of his application for an order;

(20) Is the Minister able to say whether the interworking relationship between Mr Carl Thompson and Mr Robert Callaghan on 2 December 2002 was that Mr Carl Thompson was the supervisor of Mr Robert Callaghan;

(21) Did this supervision apply to Mr Robert Callaghan's contractual work on rural leases and pay issues but not in the matter of an application for an order to the lessees of block 45 section 37 Waramanga;

(22) Will the Minister provide any factual evidence personally given by Mr Robert Callaghan whose complaint compelled him to make an application for an order;

(23) Is it a fact that Mr Robert Callaghan's application for an order was not based on his personal knowledge, concerns or experience but on hearsay, prompted before 2 December 2002 by overhearing discussions of PALM officers who previously, before that date, had made an inspection of Block 45 Section 37 Waramanga the subject of Mr Robert Callaghan's alleged concern/complaint.

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

I have no intention responding to the member's questions. It is clear that these questions are designed to interrogate matters that have been the subject of court and other legal proceedings, and in doing so, seek to by-pass those judicial arrangements.

The fact is that the lessees flagrantly flouted the law and have failed to comply with numerous opportunities to rectify the matter that they are required to attend to. Dr Foskey would do well to remember that there is another constituent whose quality of life is affected by this ongoing matter that has been the subject of compliance by ACT planning bodies over many years.

Further, I regularly see correspondence from Assembly Members who chastise ACTPLA for not taking compliance action and when the Authority does take such action it gets taken to task for doing so.

This matter has been comprehensively dealt with through the legal processes and the lessee is required to attend to the orders of the Court. It is disappointing that Dr Foskey continues to act for the lessees who continue to avoid their obligations.

My detailed response to Question on Notice No. 1677 of 25 September 2007 provided detailed information about the processes and actions that have been taken in relation to this matter. The Supreme Court has considered all relevant matters in regard to this case, and neither the ACT Planning and Land Authority nor the ACT Government can act contrary to the decisions of the Court.

It should be noted that since August this year Dr Foskey has raised detailed matters relating to this matter through Questions on Notice No. 1677 (13 parts), No. 1706 (15 parts) and No. 1816 (23 parts). I do not intend to continue to debate aspects of the matter that have been properly dealt with through the judicial processes.

Land—prices
(Question No 1819)

Mr Seselja asked the Chief Minister, upon notice, on 6 December 2007:

What has been the price per unit of land paid by joint venture partners in each of the joint venture arrangements undertaken by the Land Development Agency.

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

The land values offered to the Land Development Agency for the three joint ventures which the Agency has undertaken are listed below:

- Forde $55 million
- Woden East $19 million
- Crace $88.16 million