Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

10 APRIL 2008

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Thursday, 10 April 2008

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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.

Legislative Assembly Secretariat—submission to Remuneration Tribunal

MR SPEAKER: Yesterday Mr Mulcahy asked me a question in relation to submissions from the secretariat to the Remuneration Tribunal. I am aware that a submission was made by the Clerk to the Remuneration Tribunal in relation to the Clerk's salary. Should members require access to that submission they should approach the Clerk.

Personal explanation

MR MULCAHY (Molonglo): I wish to correct a matter under standing order 46, misrepresentation.

MR SPEAKER: Mr Mulcahy.

MR MULCAHY: Thank you. Yesterday afternoon in debate, it was indicated by Mr Smyth, supported by Mrs Dunne, that a bill that I introduced was plagiarising something that the Liberal Party had in fact developed. I seek leave to table a submission I produced on 17 September 2007, prepared by me, where I recommended the repeal of this bill.

Leave granted.

MR MULCAHY: I table the following paper:

> Utilities (Network Facilities Tax) Repeal Bill 2007—Copy of Liberal Party Room submission, dated 17 September 2007.

Petition

The following petition was lodged for presentation, by **Ms Porter**, *from 29 residents*:

Planning—Fraser

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

> This petition of certain residents of the Australian Capital Territory draw to the attention of the Assembly that:
>
> > There is a proposed Development Application (200705930) of 5 new single story units to replace the existing house at Block 6 Section 39 (25 Lind Close Fraser).
> >
> > The Development Application is inconsistent with the objectives of Area A10 Residential Core as it does not respect existing streetscapes or contribute to the desired future suburban character of the area.
> >
> > This development application was lodged on the 6 March 2008. It is the petitioners understanding that this application is not compliant with the revised A10 provisions that came into force on 1 April 08.
>
> Your petitioners therefore request the Assembly to disallow the Development Application 200705930.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.

Aboriginal and Torres Strait Islander Elected Body Bill 2008

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.

It is my pleasure today to introduce the Aboriginal and Torres Strait Islander Elected Body Bill 2008. The Assembly will recall the unfortunate abolition of the Aboriginal and Torres Strait Islander Commission by the former federal coalition government. It was an action that left Indigenous peoples without an elected voice and even further marginalised them from decision-making and political processes.

This is a historic occasion. This is the first such elected body to be established in Australia. It is something of which all Canberrans can be proud. We are motivated to substantially improve the lives of our local Indigenous people and to achieve true reconciliation. As I have commented in this place previously, it is a matter of shame that two centuries after colonisation our Indigenous people remain the most deprived group in Australian society. This is a call to action. I believe that as a small jurisdiction the ACT is uniquely placed to break the intergenerational cycle of disadvantage which Indigenous people suffer. This disadvantage might not be as stark or visible as in some other jurisdictions, but it is real and enduring and it is our collective responsibility. This is why the government supports the establishment of a democratically elected Indigenous body in the ACT.

In early 2006, on my instruction, the Indigenous community consultative council held a series of consultations with the local Aboriginal and Torres Strait Islander people, scoping the possible structure of a representative body. The following year the government committed itself to the establishment of such a body. The ACT Office of Aboriginal and Torres Strait Islander Affairs, the ACT Government Solicitor's Office and the Aboriginal and Torres Strait Islander Council then worked to develop an appropriate model. This model needed to reflect the expectations of the local Indigenous community and be structured to deliver substantial policy and service advice to government. A strong elected voice will ensure that Aboriginal and Torres Strait Islander people in the ACT can participate fully in the formulation, coordination and implementation of government policies that affect their communities. Their interests and aspirations will be directly represented.

The legislation allows for the elected body to have seven members elected every three years. There will be a requirement in the act for the elected body to consult with, and consider the views of, the United Ngunnawal Elders Council. To be eligible to vote, or to nominate or be nominated as a candidate, one must be an Aboriginal or Torres Strait Islander person 18 years or over and on the ACT electoral roll or eligible to be on it by having resided within the boundaries of the ACT for one month.

Specifically, the new body will collect and convey to the minister the views of the Aboriginal people and the Torres Strait Islander peoples living in the ACT on issues affecting them. It will act as an advocate for their interests and conduct regular forums for Aboriginal people and Torres Strait Islanders living in the ACT and report the outcomes of those forums. The elected body will conduct research and community consultation to assist it in the exercise of its functions. It will also propose programs and design services for consideration by the government and its agencies. Further, it will monitor and report on the effectiveness of programs conducted by government agencies for Aboriginal people and Torres Strait Islanders living in the ACT. It is also important that Indigenous Canberrans can adequately access government services provided to the public more generally. The body will monitor and report on these.

Finally, in consultation with the United Ngunnawal Elders Council, the elected body will recommend any reasonable action it considers necessary to protect Aboriginal and Torres Strait Islander cultural material or information considered sacred or significant to their peoples.

Advice provided by the elected body will assist the government to deliver better and more holistic services to local Indigenous people and will enhance cooperation between government and community agencies. It will build on substantial actions already taken to improve services and outcomes for Aboriginal and Torres Strait Islander people in the ACT. These include intensive strategies in the education system, in justice and in health. There have been many achievements; however, these are always tempered by a consciousness that so much more needs to be done.

On 14 February this year, following the formal apology to the stolen generation from the parliament of Australia, this Assembly issued its reaffirmation of its apology issued in June 1997. This apology talked about our commitment to a just and proper

outcome for the grievances of Aboriginal and Torres Strait Islander people and true reconciliation. The establishment of an Indigenous elected body is a positive and necessary step in achieving these ambitions. Indigenous people in the ACT will again have a voice. It will be respected and it will be heard.

I commend the bill to the Assembly.

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

Crimes (Forensic Procedures) Amendment Bill 2008

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) (10.39): I move:

> That this bill be agreed to in principle.

I have pleasure in introducing the Crimes (Forensic Procedures) Amendment Bill 2008. The bill will amend the Crimes (Forensic Procedures) Act 2000, which was enacted as part of a national model bill endorsing national protocols for the collection and storage of forensic materials as well as the exchange of DNA information between participating jurisdictions.

Since the inception of the national criminal investigation DNA database—the NCIDD, as it is known—in 2002, there has been a national drive to bring all jurisdictions to a common understanding that enables a national exchange system for DNA profiles. The national scheme represents a new age for crime fighting, where criminals are no longer able to hide behind state and territory borders to evade the criminal justice system.

On 28 June last year, all Australian jurisdictions either signed or agreed to sign a national agreement for the sharing of DNA information. On 8 August last year, the agreement was formally finalised, with all jurisdictions officially coming on board. Three weeks later, on 28 August 2007, the ACT became the first jurisdiction to successfully undergo matching with all other jurisdictions in Australia. The ACT can be proud of its achievement in obtaining this outcome and should also be proud of its steadfast commitment to supporting a new era of criminal investigation that will better protect the Australian community, and the Canberra community, from criminal activity.

Although the foundations have now been laid for the exchange of DNA information between jurisdictions, there is more work to be done in ensuring that we have an effective and accountable system of exchange. This is why I am introducing to the Assembly today the Crimes (Forensic Procedures) Amendment Bill.

When the original act was enacted in 2000, the ACT had not yet enacted its Human Rights Act 2004, so the original act was not drafted in light of human rights considerations. In looking at ways to improve the effectiveness of the current Crimes (Forensic Procedures) Act, my department has worked diligently to ensure, as far as possible, that fundamental human rights, now fully recognised in the ACT, are upheld. Where the act has previously failed to appropriately recognise human rights, the bill proposes amendments that will bring the legislation back in line with human rights standards.

However, this is not the only area where the bill seeks to improve the operation of the act. The bill also addresses issues relating to the treatment of victims of crime, the rules surrounding the destruction of forensic samples, the communication with family members of missing persons or unknown deceased persons, the ability to make orders for the taking of samples when suspects are in custody in other jurisdictions or do not appear in court, and a legislative gap that could have allowed serious offenders to avoid providing a forensic sample.

I will now expand on the proposed amendments in the bill in some detail. When the act was first enacted in 2000, the ACT began storing and conducting matches of DNA profiles on an internal database system. Following the creation of the NCIDD, the ACT's DNA data was uploaded onto it, because ACT Policing recognised its superior storage and matching capabilities and superior security infrastructure. However, the act of uploading ACT DNA data onto the NCIDD raised the issue of who then had ownership over the DNA data, because the NCIDD was a commonwealth entity. The existing ACT legislation had not anticipated that the ACT would use an external entity to store and match its DNA data.

This raised the concern that ACT DNA matches derived from the NCIDD could not be admitted to court under the current legislation in the ACT because the ACT did not have ownership over ACT DNA data that was kept on the NCIDD. Although there is discretion for a court to admit evidence that is improperly obtained, the technical problem still needed to be resolved. This bill solves that problem by allowing the ACT to enter into agreements with an entity for the storage and use of the ACT's DNA data. This will enable CrimTrac, which currently runs the NCIDD, to hold and run matches on behalf of the ACT as a service provider. It also gives us flexibility in the future; if we find that our storage needs have changed, we can enter into different arrangements.

The bill introduces accountability measures so that the territory's watchdogs, such as the Auditor-General, the Privacy Commissioner, the Human Rights Commission and the Ombudsman, are empowered to access, review and audit our DNA database systems in order to ensure the integrity of the system. The Chief Police Officer of the ACT and the Chief Executive of the Department of Justice and Community Safety will also have a role to play, with oversight and accountability powers in relation to the database. As a national arrangement for reciprocal oversight and accountability powers comes into line, we will also be able to arrange for interstate authorities to check that our handling of their information is compliant with the arrangements that have been put in place.

The bill addresses a range of operational issues that ACT Policing have identified under the current act. An unintended legislative gap has prevented ACT Policing from obtaining forensic samples from convicted serious offenders when they are suspects for another crime that does not warrant the taking of a forensic procedure. The bill ensures that forensic samples are taken from all convicted serious offenders so that they cannot evade detection for other offences they may commit.

The bill also addresses the rules surrounding the destruction of forensic samples belonging to suspects. The existing act requires that all material—including materials obtained through non-intimate processes, such as photographs, casts and fingerprints—belonging to a suspect be destroyed after one year unless the Director of Public Prosecutions makes a successful application to the court for the material to be retained for a longer period. While this provision may have provided some protection for suspects, it has proved to be a risky investigative tool for police, with potential evidence being lost when an investigation has spanned a long period of time.

In looking at how best to address this issue, the benefits of preserving forensic material as evidence need to be balanced against the rights of an individual to have their privacy and DNA profile protected. As a result, the bill now distinguishes between the identifying information that is obtained from a person's forensic sample—that is, their DNA analysis, which can be placed on a DNA database and compared against all other DNA profiles on the database—and the forensic material itself—the actual swabs, blood samples or fingerprints. The existing provisions are retained with respect to the identifying material so that it must be removed from DNA databases after 12 months or, if the person is acquitted of the charge, in less than 12 months. The police, though, still have the ability to apply to keep those samples on the database if there is a proper forensic purpose.

To round out the new approach to preserving forensic evidence, a new provision is introduced in the bill that allows police to retain forensic samples for the life of the investigation. The suspect is still afforded protection as, if proceedings have not been commenced against the suspect, the suspect will have the right to apply for the destruction of the material after a year and the police will be required to show why the material should be retained. This new provision provides police with greater certainty that they can retain evidence in ongoing investigations and prosecutions without fear that it will be destroyed part way through the process.

Another issue that has affected the efforts of police in the investigation of crimes is the situation that occurs when a suspect avoids coming to court for the hearing of an application for a forensic sample to be taken or where the suspect is apprehended in another jurisdiction and is in the custody of that state or territory. The existing act did not provide for this common situation. This bill introduces the ability for a magistrate to make an order for a forensic procedure in the absence of the suspect where the suspect is in the custody of another jurisdiction and cannot appear by audio link, video link or hearing or where a person who has been served with a summons to appear before a magistrate chooses not to appear.

Victims of crime often provide forensic samples to police to aid in the investigation of the crime. The bill introduces new provisions to ensure that these volunteers are

treated with sensitivity and are empowered to have control over the processes that they are subject to. These include the ability of a volunteer to elect not to have an independent person present when they are undergoing their forensic procedure and also to elect not to have the procedure video recorded. Although it is important to have an independent person present to verify that a procedure has been conducted appropriately, and that is why it still remains as the default position, this requirement should still be sensitive to the wishes of a victim of crime. For certain victims, such as victims of sexual assault, it would be insensitive to deny the person an ability to choose whether a stranger is allowed to be present during the procedure or to choose whether the invasiveness of the procedure is increased by having it videotaped.

The bill also provides that, when a person undergoes an intimate forensic procedure or a non-intimate procedure that requires touching of the person or the removal of their clothing, other than outer wear such as coats or shoes, a person of the same sex carry out the procedure. These amendments have been made to ensure the sensitive treatment of those undergoing a forensic procedure, in particular volunteers and victims of crime.

The bill also amends provisions relating to the treatment of transgender and intersex persons when undergoing a forensic procedure. The new amendments will enable a transgender or intersex person to elect the gender with which they identify so that the gender of the person who is allowed to carry out or help in the carrying out of the forensic procedure can be controlled by the transgender or intersex person.

The bill has been drafted with great sensitivity to human rights and victims' rights, but it also provides our police with more effective tools to assist in the fight against crime in the ACT and on a national basis. I commend the bill and regulations to the Assembly.

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

Firearms Amendment Bill 2008

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) (10.51): I move:

> That this bill be agreed to in principle.

The bill marks a major step in the reform of the Firearms Act 1996 with the implementation of resolutions contained in the national firearms trafficking policy agreement as they relate to the ACT. This bill builds on the extensive work already done following the Port Arthur massacre in 1996 and the Monash University shooting in 2002. These amendments will strengthen national and local firearms control by addressing the illegal trade in firearms, increasing penalties for firearms offences and

modernising the licensing regime. The powers exercised by police have also been modernised to ensure that they comply with the Human Rights Act 2004.

Mr Speaker, amendments contained in this bill also reflect the recommendations of two reviews undertaken by the ACT Firearms Consultative Committee and the Department of Justice and Community Safety. The bill also draws on recommendations made by the Australian Institute of Criminology, the Australian Crime Commission, the ACT Firearms Registrar and the ACT Government Solicitor.

The bill will also regulate the paintball industry to provide enthusiasts with a proven commitment to the sport a legal framework to purchase, own and store their own paintball marker. The change comes about as a result of the fact that the ACT is the only jurisdiction that classifies paintball markers as prohibited firearms. The government committed itself to addressing this anomaly when it was first brought to its attention in late 2006.

The bill defines some key concepts to add clarity and consistency to the simplified licensing and permit scheme in the bill. With these changes, a person who wishes to own a firearm will need to obtain one of the licences in the simplified scheme. The bill provides for four types of licence. These include adult firearms licences, composite entity licences, minors' firearms licences and temporary international firearms licences. With this licensing model, the bill deals with the complexity around the existing permits.

Notably, the bill extends the matters to which the Firearms Registrar can look when considering an application for a licence to information held by other law enforcement agencies. The bill improves the permit scheme for the acquisition of firearms. The acquisition and disposal of firearms are amongst the core tenets of the bill, as it is intended that each and every exchange or change in possession of a firearm must be recorded. This will enable tracking of firearms and minimise opportunities for illegal diversion.

This bill increases the penalties associated with the illegal possession and use of firearms and prohibited firearms. The maximum applicable penalties will be increased and graduated, between five years and 20 years, depending upon the number of firearms unlawfully possessed and whether or not the firearms are prohibited. The increases in penalty reflect the true seriousness of the offences associated with illegal possession of firearms. The increases are also in response to Australian police ministers council agreement that the offence of illegal possession, particularly of a prohibited firearm, should attract a substantial term of imprisonment.

Mr Speaker, I would like to thank members of the community who have been involved in the development of this bill. I would particularly like to thank the members of the Firearms Consultative Committee for their valuable and ongoing contribution to the development of firearms policy in the ACT. I commend the bill to the Assembly.

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

Planning and Development Regulation SL2008-2
Motion for disallowance

DR FOSKEY (Molonglo) (10.54): I move:

> That Subordinate Law SL2008-2, Planning and Development Regulation 2008, made pursuant to the Planning and Development Act, be disallowed.

Mr Speaker, I am moving this disallowance motion suspecting that the chances of it being passed are minuscule. However, given that Labor and Liberal are basically in step on these issues, I feel it is my duty to make the following criticisms and observations which are held and have been put to me by many of my constituents and to place them on the public record. My main criticism of these regulations concerns what they do not contain.

First there is the issue of building certification. A building certifier should perform a watchdog role over developers and builders. The ACTPLA website states that the planning system reform permits a certifier to be the sole regulator of exempt houses—that is, there will be no need for ACTPLA approval. However, there are no constraints on a building certifier being an employee of the builder whose work he or she is called upon to certify. The conflict of interest and potential for corruption is obvious, and these regulations should contain provisions ensuring that there is an arms-length relationship between the certifier and the person whose work is being certified.

I know that one aim of the measure is for the government to externalise costs and privatise the role of certifier, and I have some sympathy with this position. However, the role is too important for ACTPLA not to accept responsibility for keeping a close watch on quality control. These regulations should contain provision for independent auditing and policing of certifiers by ACTPLA. So-called political donations from developers have corrupted the political process in other jurisdictions. I am not alleging corruption in the ACT planning system. But I fear that, by centralising power and taking away the community's capacity to challenge and force the government and ACTPLA to comply with their own planning laws, these regulations and the other recent planning law changes may facilitate or actually engender corruption in the planning approval process.

Curtailing public input into the development approval process enhances the powers of public officials. Last week my Greens colleague Sylvia Hale introduced a bill into the New South Wales parliament that, if passed, would make it an offence for anyone involved in property development to make a donation to a political party or candidate. It would also make it an offence for a political party or candidate to accept a donation from a property developer. I agree with Sylvia that the problem warrants such firm measures, and similar provisions should be included in these planning regulations or elsewhere in the act.

The other day the planning minister lauded the Development Assessment Forum, or the DAF, which came up with the basic planning model that we are adopting. The DAF was itself set up and funded by the Howard government. It was part of the push

by that government to remove obstacles to unfettered development which were annoying their large corporate friends and donors. The senior legal officer of the Environmental Defender's Office has stated that the DAF model has as one of its aims the exclusion of community participation in the planning process.

The restriction of appeal rights, limited legal standing, abolition of independent advisory bodies, limited referral to committees and broad call-in powers are all part of a system that, in the words of the President of the Local Government Association, Mike Montgomery, is an assault on the democratic right of communities to control the planning process.

The planning minister called the DAF system a best practice model, but he did not put forward any good arguments to justify that assessment. Just calling it best practice does not make it so. It is a truism that where you stand depends on where you sit, and it would be nice to hear the government acknowledge that not everyone agrees that the DAF scheme is world's best practice. The quotes I just read out are from organisations that represent thousands of constituents—not fringe groups or one-eyed anti-development groups. The government would do well to acknowledge and address their criticisms and concerns.

I appreciate that the government has made a few minor changes to the more antidemocratic characteristics of the DAF model, such as the granting of standing in limited circumstances to entities whose objects clauses are concerned with the issue under dispute. However, I do not believe that these alterations can compensate for what is effectively a hierarchical and technocratic system that devalues community input.

While I do not accept the proposition that these regulations or the new planning system itself are policy neutral, it is the case that the new structure has been brought in without any clear indication as to what it will be used for. We are being asked to accept a new planning regime model without knowing the shape the government intends to mould it into when the policy-partisan parties' provisions that were put in the too-hard basket are actually formulated and introduced. Before I can give my approval to these reforms I want to know what else is on the government's agenda.

I actually think the whole policy-neutral response was irresponsible. We are told that energy efficiency and environmental standards are a top priority now that the legislative framework is in place. The minister himself describes climate change as the biggest social, economic and environmental challenge facing humanity. It is curious that such a high priority issue had to be put on hold while some technical, policy-neutral changes to the regulatory framework were implemented, but there you have it—the government has the numbers.

It could have included some immediate measures to assist in the implementation of its climate change strategy. It was not too scared to ram through the agenda on school closures, but why was its response so different when the big end of town expressed its disapproval of the proposed planning reforms? Mr Speaker, I am content to leave that as a rhetorical question.

I do thank ACTPLA officials for the briefings in relation to these regulations and other aspects of the planning reform. I know that I could seem to be making light of the enormous task that ACTPLA officials undertook in bringing the reforms to fruition—a major project. But I hope they appreciate my concern over the apparent lack of urgency or priority given to a far more urgent project. I am concerned that these changes will make it even harder to implement energy efficiency standards by leaving so much to the discretion of the builder.

I have been told that the prolific use of these call-in powers by the previous planning minister was largely the result of commercial interests abusing the appeal processes to delay and damage their competitors, and I do not doubt that this is true. But such abuses were not the only reason why the minister used his call-in powers. These regulations should include provisions which circumscribe when the minister can exercise those call-in powers. Additionally, they could copy provisions from some other jurisdictions and ensure that call-in powers are not beyond independent review. I have no confidence that the call-in powers as they currently stand will not be abused either by this government or a future Labor, Liberal or even business club party government. These regulations should reinstate the right of interested parties to challenge all planning decisions when they perceive actual breaches of planning legislation.

Other jurisdictions give tribunals the power to strike out matters that are perceived to be an abuse of process by commercial competitors. That is the right approach. They also give courts and tribunals penalty provisions to punish any such abuses. Was this approach considered? Indeed, was there any genuine attempt to revisit and solve the problem of malicious and anti-competitive legal actions by means that did not disenfranchise community interests as well?

I suspect that the argument of abuse of appeal mechanisms by developers is a convenient smokescreen to remove those pesky do-gooders from getting in the way of ACTPLA, the LDA and the developer clients. I also suspect that the Planning and Land Council was axed because it too was seen as a pesky do-gooder that did not always cheer on demand. Whatever happened to the Labor Party's commitment to neighbourhood plans and neighbourhood planning principles? They have not been recognised in these regulations or anywhere else in the planning legislation that I have seen.

While some of the features whose absence I am criticising probably do not really belong in these regulations, the trouble is they are not anywhere in the planning legislation. This being the Assembly's last chance to insist on these features in the current tranche of reform documents, this has to be where I choose to mourn the passing of those regulations. They state that the expansion to boundaries of town centre maps is consistent with the view that third party appeals should not be available within the commercial areas of these town centres.

How wide can the exemption boundaries be drawn before it becomes untenable to call them town centres, or policy-neutral changes for that matter? The whole idea of prohibiting community appeal rights on the basis of some arbitrary geographical

exclusion zone is absurd. Why should proposed changes or developments of public space and community facilities be exempt from community appeal merely because they are in the same geographic region as many businesses? On what basis does ACTPLA and the government consider that their views and their interpretations of what is desirable for community facilities make up the unchallengeable truth?

Intelligent responses to climate change will require big changes in the way the construction industry operates. It is inconceivable that we will go quietly and enthusiastically down that path. It will require strong regulation and a firm political will. In the absence of strong legislation, competitive pressures work against developers who want to do the right thing. That is the situation today. These regulations should contain provisions that require developers, architects and builders to raise their standards. As an A V Jennings spokesperson said recently, without regulations from government, developers who want to do the right thing have no way of persuading their clients to build a less energy-guzzling house et cetera.

Above all, government must actively shape the parameters in which market decisions are made which impact on the rate of climate change. The act does not do that and, as a consequence, these regulations do not do that. The government's own climate change strategy states that integrating climate change related actions into existing plans and strategies is an effective means of delivering actions by government agencies. It also states that early action is more cost effective than late action. No arguments there, but between the rhetoric and the action falls the shadow.

These regulations do virtually nothing to impel or compel environmentally responsible decision making. In fact, their net effect may be to take us backwards. I hope the government proves me wrong by bringing in far-sighted environmental building and construction material standards, suburb design and DA processes that encourage ecologically responsible decision making. A number of provisions and omissions in these regulations do not provide much reassurance in that regard.

Under the previous regime there was a requirement that a minimum four-star rating for all new dwellings be achieved, and evidence that the minimum star rating was achieved was required to be attached to the DA. This requirement has disappeared. On the surface, ACTPLA can say that imposing the minimum star rating at DA stage is now obsolete, because there is a minimum energy rating standard to be achieved for every new dwelling under the Building Code of Australia, and that rating has increased to five stars. But what they fail to accept or possibly grasp is that the energy rating is largely determined by the design of the building.

The primary design elements that determine the energy rating include building orientation, roof form, floor plan including location of glazing, and dimensions of external, internal and separating walls. Over a multi-residential development these can be averaged out over the whole development, meaning you can have some incredibly energy-inefficient apartments balanced out by some that are more energy efficient. Secondary elements such as insulation, glazing treatment and heating and cooling surfaces can be tinkered with to improve the energy rating, but not to a significant extent.

It makes no sense for ACTPLA to issue an approval for a DA without evidence that the design meets their minimum star ratings set out in the BCA. These requirements should be here in the regulations. It is much more appropriate that ACTPLA has an energy rating requirement that matches the BCA requirements, which would then reinforce the message that energy efficiency and star rating is fundamental to building design and must accompany the DA to be taken into consideration by ACTPLA. Without the star rating accompanying the DA, the ACTPLA assessment officer will have no basis to consider or confirm that the design of a proposed dwelling has attained a suitably high standard of energy efficient sustainable design.

There are serious problems with the way in which concessional leases are dealt with; in particular, the way that any new development is not required to comply with the same development restrictions as the surrounding neighbourhood in terms of plot ratio, height limits et cetera. These regulations were an opportunity to correct those problems. The opportunity has been missed. Hopefully the next round of reforms will be put out for public consultation in draft form before ACTPLA and the government finalise their positions. If the government listens to the community as much as it listens to the development lobby, which is likely to be much louder, the concerns that I have raised today will be addressed and rectified.

I urge members to think about the concerns I have raised today and to ensure that we do listen to the voice of community people in relation to our planning, because it is our planning that sets the social, economic and environmental shape of Canberra.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (11.11): As detailed in the explanatory statement, this regulation covers a range of matters associated with the new planning system. This includes leases, environmental impact statements, transitional provisions, development approval exemptions and procedures, amongst other things. It is clear that the regulation is a key component of the new planning system and enables it to operate. Together with the Planning and Development Act and the new territory plan, this regulation is an integral part of what is the most transparent planning system this territory has seen, with all policies, rules and planning requirements detailed in the various component parts.

As members would be aware, the new planning system has trodden a path of policy neutrality, particularly in respect of the territory plan, and this policy has also been applied to the extent possible to these regulations. Bearing in mind that the governing act is indeed a reforming act, as a consequence some of the aspects of pre-existing policy needed to be made compatible with the new act. The new legislative framework for the planning system is now in place. It is an open and transparent system that has been constructed so that it can be a dynamic system that can respond to changes in community requirements and adapt to new and emerging advances in both planning and sustainable development approaches.

In considering this disallowance motion, it is important to realise that the various components of the planning system reform package do different things, and we must not confuse matters that must be dealt with under the Building Act and regulations

with those that must be dealt with under the territory plan and those that are dealt with under the Planning and Development Act and its regulations. The regulation, as tabled, does not present the end of policy development but forms a platform to move forward.

In many of the matters raised by Dr Foskey during her address there are elements of broader development that is occurring both here in the ACT and at a national level. And many of the issues cannot and should not be considered in an ad hoc manner during a one-off debate in this place without proper consideration and consultation with both the community and stakeholders. I go so far as to say that effort would be better placed in working through these policy issues with the community stakeholders and the government rather than engaging in a motion such as this that puts at risk the operation of the new planning system.

The implications of the impact on activity in the territory, should this motion succeed today, would be immense. It is also critical in assessing this regulation that members fully understand its intent and function. It is essential that we carefully consider the implications of any proposed changes, as they can have significant, unrealised and unintended consequences.

As I indicated earlier, this regulation was not intended to significantly change policy other than where it was necessary for the implementation of the Planning and Development Act which was, by its intention, a system-reforming piece of legislation. Broad changes in environmental standards and building sustainability standards were not intended to be addressed in this stage of implementing the new system.

I need to assure Dr Foskey that there is significant work being undertaken in respect of these matters and, as they are progressed and the broad policy settings are established in an orderly and comprehensive way, this regulation and other statutory instruments will be changed to reflect new policy settings.

It is important to be mindful that the basis of these reforms is to remove some matters from requiring a development approval and minimising government intrusion into what are, in essence, simple building and development matters. However, the construction or development must be in accordance with defined standards. So I need to stress that this is not a free for all. Many of the issues raised by Dr Foskey would increase significantly the level of intrusion required and increase the time and cost in endeavouring to undertake activities regulated by the Planning and Development Act.

In respect to third party appeals, they have been an important issue raised and discussed at many forums during the development of the act and this regulation. It is a difficult task to attempt to attain a fair and equitable process that protects all members of the community. However, I feel that the regulation has achieved the correct balance for the community and seek to reiterate that the regulation is not intended to introduce major policy changes; rather, it simply supports the effective operation of the new planning system.

The community and government will benefit from allowing the act and the regulation to operate for a period, and the government will be monitoring the operation of the act and its subordinate parts, including this regulation, over the coming months. I indicate

that, where feasible and warranted, I will introduce amendments to this Assembly for debate. But a disallowance of part or all of the regulation will have serious implications for planning and development in the ACT. So the government cannot support Dr Foskey's disallowance.

I should use the remaining time, though, to address a couple of the issues that Dr Foskey raised, most particularly her concerns about conflicts of interest where a builder employs the building certifier. I advise that the Building Act 2004, section 23, prohibits an entity from acting as a certifier for building work if the entity has an interest in that work. Section 23 describes such interests, including providing that the certifier cannot be an employee of the builder. That should address the concerns that Dr Foskey raised in relation to that potential conflict of interest.

But I do note that, in a lot of the commentary on the new planning system, the new territory plan and these associated regulations, there has been considerable criticism coming from Dr Foskey that the government has thrown the balance too far towards developers. But then, interestingly, the development lobby themselves have been quite vociferous in their complaints across a range of issues.

I look today at today's *City News* and the campaign that is being waged by the property council in relation to some measures in the regulation aimed at preventing land banking. We see another example of where there is disagreement coming from the building and development lobby in relation to aspects of this legislation and the regulation.

It is interesting to note the views of those dispassionate observers of planning debates in the territory over the years, but when you are being criticised by the Greens, coming at you from the left, and the Liberals and the development lobby, coming at you from the right, you have probably struck the right balance. I think that is clearly the case with this package of reform.

But it is important to note that the government has a range of other work that has been running parallel to this significant reform process, most particularly looking at areas of sustainable development, and that this is just the beginning of a reform process, not the end. So I do need to reassure Dr Foskey and the Canberra community that there is further work being progressed. That work continued throughout the extensive reform process that commenced with Minister Corbell as planning minister a number of years ago and that I was able to see through as the new planning minister.

We look forward to seeing further initiatives in this area coming forward in the weeks and months ahead. I can assure Dr Foskey and the Greens that the government is working on some of the issues that they continue to lobby on and we will, of course, put forward proposals for further consideration by this Assembly and by the community as a whole.

In closing, again I stress that we cannot support this disallowance motion today and that it would have significant consequences for the successful operation of the planning and development system in the ACT. On that basis, the government will not be supporting Dr Foskey's motion.

MR SESELJA (Molonglo—Leader of the Opposition) (11.20): I will speak briefly. The opposition will not be supporting this disallowance. To disallow the entire regulation would have adverse consequences. We have put on the record some concerns with the legislation. We moved substantive amendments during the debate in the Assembly. We continue to have concerns. There are further concerns we have but we will look at bringing back some substantive legislation in the near future to address some of those issues. Disallowing the entire regulation is not the way to go. We will not support it.

In relation to Mr Barr's comments, I think you need to argue on the merits rather than that, if you are attacked on one side and the other, you must be right. I think that is a fairly weak argument, no matter which way you look at it, but I think it is worth having the debates. We had substantial debates on some of our concerns about the legislation. I moved something like 130 amendments in relation to that. I think one or two of them were accepted by the government. We will continue to make those arguments, but we broadly support the process. We broadly think that it is heading in the right direction and should be given some time to be bedded down so that we can see how it works.

Notwithstanding the pre-existing concerns that we have and that are on the record, we do have some other concerns which we will look to raise soon. We will also look at how it works in these first few months as to whether any more substantive changes are necessary. But we certainly will not be supporting this disallowance.

MR MULCAHY (Molonglo) (11.22): I will also speak briefly to Dr Foskey's motion but I am not persuaded to support the disallowance motion. Also at the outset, I will say that I do not share, at the present time anyway, Dr Foskey's concern about the property industry and corruption that she alluded to in her speech. I have not seen any evidence of corruption in the property sector in the ACT.

Dr Foskey: No, I did not say that.

MR MULCAHY: I know Dr Foskey did not say it exists here but she used the example of recent events in Wollongong. I get worried that we react to something there and then start sharpening the attack on a specific industry. I realise that the image of property developers is rapidly becoming as vilified as that of lawyers, used car salesmen and, of course, politicians.

Mr Barr: But we went up in the latest Morgan survey. Used car salesmen are worse than we are.

MR MULCAHY: I guess when you are on the bottom of the chart, Mr Barr, you can only go one way, can you not? I think we need to be cautious about jumping to some sort of conclusion that all property developers are committed to courses of action that are constantly against the community interest. They perform a vital role in the development of our town and should not be shunned, out of some concern for something that has not happened. Whilst community consultation is important—and indeed I have made representations on behalf of numerous constituents about different

development applications—I also accept the need to ensure that the planning system is efficient and for appropriate developments to be approved efficiently and in a timely fashion.

I agree with Dr Foskey that the views of the community should be heard. Both sides need to be consulted in relation to any planning development but I do believe that the current system largely allows for residents' concerns to be considered. Some have argued to me that too much consideration is given to objectors. It is never easy to strike a balance in these matters. We certainly do not want a system that accommodates vexatious complainants or people who are holding their hand out for compensation by utilising the objection process. They will not always influence the result but I believe that they are heard and, in appropriate cases, the result of the development application has been changed on occasions.

I have some sympathy and support for ensuring that new homes are energy efficient but my overriding concern is ensuring that people are not at a disadvantage in their attempts to enter or sustain themselves in the housing market. You have to take into account the additional cost that mandatory efficiency standards would result in. I fundamentally have a different view to the Greens on this issue that, irrespective of cost, we must embrace measures in the context of climate change, regardless of the impact on ordinary people.

The view is expounded that it is for the common good to impose these sorts of measures, whether they be taxing regimes or regulatory measures. I cannot accept the fact that any regulatory attempts to change the market for environmental reasons are justified without exception. You have to take into account the impact of the additional cost that mandatory efficiency standards result in.

I am always mindful of the position of homeowners in debates like this. In many debates, including those we frequently have on housing affordability, it seems that there is a tendency to forget, overlook or ignore the position of homeowners. I am talking about existing homeowners. Should the housing market be even more difficult to enter so that we can have mandatory efficiency ratings? I do not believe so. I have more faith in the market than Dr Foskey obviously has. She fears that, unless it is mandatory, people will not choose to live in energy-efficient houses.

I do not accept that just because someone, whoever he is, is a spokesman for AV Jennings he is the font of all knowledge on these matters. I think all of us, if not for any altruistic reason but for the fact that it impacts on the bottom line, take all possible measures to manage energy use in our home environments, whether it is as simple as changing the type of lighting used, the heating and cooling systems or even going to greater lengths in terms of glass. All of these factors people do initiate and more often than not they do it because of the financial impact rather than because they are forced to.

I believe that if enough people want to live in higher standards of energy-efficient homes the industry will respond and produce these homes. If people do not want to make the outlay for homes with these features, then I do not believe it is the role of the government to force them into this position, save having regulations that ensure appropriate standards of construction occur.

That is not to say that energy efficiency is not important. There are, as Dr Foskey acknowledged, minimum standards under the Building Code of Australia. I believe that the standards and position of the market are sufficient safeguards to ensure that energy-efficient dwellings are constructed and I would be concerned to see all of these regulations tossed out because, as Mr Seselja said, they have a lot of other consequences, notwithstanding the fact that there are continuing ongoing concerns about planning laws that exist in the territory.

New issues have been raised by the Property Council in relation to certain aspects of the legislation we passed recently, and obviously there will be scope for further debate and possibly further amendment in relation to those. But I do not believe the jettisoning of this regulation is the way to go, given the rationale provided.

DR FOSKEY (Molonglo) (11.28), in reply: I thank members for their contribution to this debate. While it would have perhaps been very affirming for me if you had all agreed with my arguments and supported my motion, you will, of course, understand that I felt it was very important to move this motion because I do not feel that these issues have been aired in the debate. It is only with the last piece of the planning reform furniture, which are the regulations, that it has become clear what is not and what is in this suite, in the legislation, in the territory plan and in the regulations.

We need to remember that the territory plan in its final form only got presented to us on the morning when it was debated—I cannot really say "debated" because it is very hard to debate something that you have not had a really good look at. I felt that that was an inadequate process. Although I appreciate that there was quite a bit of consultation on the territory plan, it is still essential to see the final in time to actually read it before we debate it.

I have had issues raised with me by people in the community but I was not able to detail those in my speech. I refer to issues like the fact that it is now okay to build a dwelling that overshadows somebody next door, so long as that person next door has a minimum of three hours—yes, three hours—of sunlight in their living area. That could be just one corner of their living area for three hours. You can imagine what that does for energy efficiency—not a great deal—and it certainly will make it impossible for such people to participate in the solar tariff, the premium tariff.

It is these kinds of issues which keep being revealed bit by bit as people try to work with the new territory plan. I feel it is really important that people know about them. What happens in planning all the time is that most of the community out there do not have a clue what is in all this material.

Even though I acknowledge that the government and ACTPLA have done their best to involve the community, it has not happened. There is a certain amount of self-interest involved. People will not take notice until an issue affects them, and then they will find out that the avenues are not there for them to protest about it. It also makes it hard for us as members to assist those very legitimate concerns if those areas have been taken out.

I thank members again for their participation. I am glad I had the opportunity to make these points. For sure, the Greens will be working to improve, as we see it, the situation as time unfolds.

Question put:

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

Ayes 1	Noes 16	
Dr Foskey	Mr Barr	Ms MacDonald
	Mr Berry	Mr Mulcahy
	Mrs Burke	Ms Porter
	Mr Corbell	Mr Pratt
	Mrs Dunne	Mr Seselja
	Ms Gallagher	Mr Smyth
	Mr Gentleman	Mr Stanhope
	Mr Hargreaves	Mr Stefaniak

Question so resolved in the negative.

Legislative Assembly—ethics and integrity adviser

MR BERRY (Ginninderra) (11:36): I move:

> That this Assembly requests the Speaker to appoint an Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory with the following functions:
>
> **Provision of advice**
>
> (1) Advise Members of the Legislative Assembly, when asked to do so by that Member, on ethical issues concerning the exercise of his or her role as a Member (including the use of entitlements and potential conflicts of interest).
>
> (2) Giving advice that is consistent with any code of conduct or other guidelines adopted by the Assembly, but does not include the provision of any legal advice.
>
> **Records**
>
> (1) The Ethics and Integrity Adviser shall be required to keep records of advice given and the factual information upon which it is based.
>
> (2) The Ethics and Integrity Adviser shall be under a duty to maintain the confidentiality of information provided to him/her in exercising the function and any advice given, but may make public any advice if the person who requested the advice gives permission for it to be made public.
>
> (3) The Assembly shall only call for the production of records of the Ethics and Integrity Adviser if the person to which the records relate has sought to rely

on the advice given in relation to paragraph (1) or given permission for the records to be produced to the Assembly.

(4) The Ethics and Integrity Adviser is to meet at least annually with the Standing Committee on Administration and Procedure for a discussion on matters raised and possible proposals to address them.

(5) The Ethics and Integrity Adviser shall report to the Assembly on an annual basis detailing the number of ethical matters raised with him/her and the number of Members who sought advice on any issues concerning Members' entitlements that have given rise to requests for ethics advice and suggest proposals to address these issues.

(6) The Speaker shall, after each Assembly is elected or whenever the office becomes vacant, appoint an Ethics and Integrity Adviser for the life of that Assembly.

(7) Before appointing an Adviser, the Speaker shall consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.

(8) The Ethics and Integrity Adviser may resign in writing to the Speaker, or may be removed from office for proved misbehaviour or mental incapacity on a resolution agreed to by the Assembly.

This resolution has effect from the date of its agreement by the Legislative Assembly and continues in force unless amended or repealed by this or a subsequent Assembly.

I am moving this motion today because, after almost 19 years of self-government, I take the view that the ACT Legislative Assembly needs to ensure that it remains at the forefront of developments in parliamentary best practice. This, in effect, is an incremental improvement in that direction.

At the last sitting, we comprehensively amended our standing orders to ensure that this place operates effectively and keeps up with similar practices in other legislatures. Many of the changes were designed to simplify the language used, but amongst the changes there was some reform to the way we operate things such as citizens' right of reply and protection of witnesses who appear before our committees; clarification of our privileges and how breaches are dealt with; and codification of how the principle of sub judice operates.

Many of the laws we pass in this place are enacted after governments examine best practice in other jurisdictions and then submit a bill to give effect to that best practice. Yet we do not often look at our own practices to see whether we as a legislature are keeping up with innovations that are being adopted by other legislatures. I see that as part of my role.

The New South Wales parliament has had a parliamentary ethics adviser since 2001; the Queensland parliament established an integrity commissioner in 2000. In 1995, the United Kingdom established a parliamentary commissioner for standards to provide advice on a confidential basis to individual members about the interpretation

of the code of conduct and guide to the rules relating to the conduct of members. The legislature of Prince Edward Island in Canada has had a statutory office of conflict of interest commissioner since 2003. This is a place that the Clerk and I visited some time ago. We discussed the issue with officers from the legislature and were guided in many respects on how we would approach the matter here.

The merits of having a position such as that being proposed today have long been discussed in this Assembly. In 1999 a member brought the matter to the attention of the CPA branch following his visit to the United Kingdom Westminster seminar. Also in 1999, the matter was canvassed by the Select Committee on the Report of the Review of Governance, one of its recommendations being that a commissioner for parliamentary ethics be appointed.

In the same year the then Chief Minister presented a discussion paper on the matter to the Assembly. This was subsequently referred to the Standing Committee on Administration and Procedure for inquiry and report. In 2001 that committee reported back to the Assembly. The report did not support the establishment of the position at that time, although the committee noted that the issue should be considered once a code of conduct had been in place for a reasonable time. It should be noted that the code of conduct has now been in place since 2005.

Members would be aware that there are anticorruption bodies in place in New South Wales, Queensland and Western Australia. There was an inquiry into whether the ACT should have a similar body. It was proposed that the Assembly should enact the commission for integrity bill 1999, but after the matter was referred to an Assembly committee the committee recommended that the bill not be proceeded with further. However, the committee did recommend that the government, in consultation with the Auditor-General, develop a model for a new function that provides an educative role in relation to behaviour and integrity. The establishment of an Assembly ethics and integrity adviser would, I believe, play a preventative role as envisaged by the committee's report.

In moving this motion today, I am not saying that the Assembly is rife with unanswered ethical issues. The intention of this motion is to be proactive in assisting members when they are faced with the inevitable issues that confront them in adhering to the code of conduct and making their declarations to the members' interests register. Currently there is no single office or authority from which they can seek advice in relation to these matters. The establishment of an ethics and integrity adviser will address this shortfall.

The motion addresses the appointment, role and duties of the adviser and ensures that adequate record-keeping and reporting mechanisms are in place. The role is structured so that a member may seek advice knowing that it will remain confidential and that no information or records relating to an inquiry will be released without his or her permission. In the interests of public accountability, the adviser will report annually to the Assembly and meet at least annually with the administration and procedure committee. In this way, there is a mechanism to address proposals and resolve issues that may have been raised.

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

MR BERRY: The Speaker will appoint the adviser after consultation with the Chief Minister, the Leader of the Opposition and crossbench members. Of course, there is a mechanism to remove the adviser via a motion in the Assembly for proven misbehaviour or mental incapacity.

I take the view that the appointment of an ethics and integrity adviser is another step in the development of the Assembly that will reassure not only members but, importantly, ACT citizens that we take our responsibilities seriously and are willing to ensure that we are accountable for our actions.

I should also refer to an advice that was received by the Clerk from the Australian Capital Territory Government Solicitor. This advice was sought by the Clerk in consultation with me when this matter was being developed. The advice states:

> 1. There is no doubt that a Statutory Office of Parliamentary Ethics Commissioner could be created by legislation. A statutory appointment may be necessary if it is intended to vest the Commissioner with a specific power or function, particularly of an investigative or determinative nature.
>
> 2. If the role of the Commissioner is to be solely advisory, however, with no obligations or power of a legally enforceable nature, and not requiring any specific protections, there appears to me to be no reason why the Office cannot be established by resolution of the Assembly. The Assembly may control its own businesses and it is clear, particularly in the current environment across a number of legislatures in Australia, that the role of an Ethics and Integrity Commissioner or like position assumes an important function in the modern legislature.
>
> 3. Accordingly, it is my opinion that it is properly relevant to the conduct of the business of the Assembly to resolve that the role of Commissioner should be established and to make any relevant Standing Rules and Orders in relation to that appointment. The limited role envisaged by the proposed resolution (limited to providing advice to members) is properly within the power of the Assembly and may be accommodated by the Speaker requesting the Assembly Secretariat to put in place the necessary measures for the appointment to occur.
>
> 4. If the Assembly determines, however, that the Commissioner should be a more formal role with more extensive powers (for example, of investigation) then a statutory model is preferable, and, indeed, necessary.

I commend the motion to the Assembly and table the following paper:

> Ethics and Integrity Commissioner for the ACT Legislative Assembly—Copy of advice to the Clerk of the Legislative Assembly from the ACT Government Solicitor, dated 10 April 2008.

MR MULCAHY (Molonglo) (11.45): I am pleased to speak in support of the proposal put forward by Mr Berry, as I did in the Standing Committee on Administration and Procedure. I have looked at the way in which this arrangement has been introduced in several other parliaments. Mr Berry has cited the history of this particular concept; he noted that in Prince Edward Island they previously had discussions with and met with a conflict of interest commissioner and that comparable positions have been created in the New South Wales and Queensland parliaments.

I am particularly pleased about the way in which Mr Berry's motion covers off a range of issues, particularly point 2, which notes:

> The Ethics and Integrity Adviser shall be under a duty to maintain the confidentiality of information provided to him/her in exercising the function and any advice given, but may make public any advice if the person who requested the advice gives permission for it to be made public.

In a role such as that, it is vital that members have complete confidence in the security of information if advice is sought. But similarly, should a member be in a position of perceived conflict or breach of some particular code, it is a useful opportunity for them to be able to authorise the release of that advice should the member so desire. I am pleased also that the appropriate consultation is contemplated in that the appointment will be made by the Speaker after consulting with the major parties and also the crossbench members.

Up to this point, we have relied heavily on the Clerk to fulfil this function. But there are scenarios where sometimes the Clerk may be in a position where he—or she, if there is a female in that position at some time in the future—may find themselves caught between their duties as the overseer of the administration of the Assembly and their duty to give objective independent advice on a matter that could arise between that member and their administration.

The Speaker's proposal for this initiative is worthwhile. As he has indicated, it is an incremental progression in terms of the development of the democratic process and self-government in this territory. My one plea—I am sure this would be understood—is this: I hope that, when the appointee is eventually selected, great care is taken to ensure that that person is perceived as independent of any of the political processes.

Obviously, we all have great faith in the Clerk's objectivity in dealing with matters; he has the expertise in providing specialist advice. If this position is to work, it will be crucial that it not be occupied by somebody who has had an association with the party side of politics or the independents in politics in the future. It needs to be somebody who can provide sound advice and probably someone who has a good understanding of parliamentary process and precedent and will be able to enjoy the confidence of all members of the assembly, not just because they are consulted on the appointment but because the person is perceived to be objective and providing sound advice.

I will not talk any further on the matter. It is a sensible proposal. I hope that all members support this initiative.

DR FOSKEY (Molonglo) (11.49): Thank you very much for bringing this before the Assembly, Mr Berry, and I thank your office for keeping my staff up to date with the ongoing saga of the proposal, given that I am not on the administration and procedure committee any more. When you are not on a committee, you certainly find out that you are not as well informed.

As noted in Mr Berry's speech, this issue has come to the Assembly several times since self-government. In 2001 the committee on admin and procedure decided not to support the appointment at that time because they felt that, with only 17 members in the Assembly, these members are all in the public eye to such an extent that their actions are under very close scrutiny and any wrongdoing can be quickly exposed. It was the view of the committee that members of the Assembly are already well aware of what constitutes ethical behaviour and that they take responsibility for their conduct and understand their obligations.

I still hold that opinion—that all the members of the Assembly are well aware of what constitutes ethical behaviour. We now have a code of conduct that sets those standards. I would say, however, that being in the public eye and having your actions scrutinised does not mean that your actions are always scrutinised with any integrity or honesty. I do not hold for that one.

It will be interesting to see how such a position will be advertised and funded and how the person will be recruited. Those are logistics that we are not at this moment sure of. There is also the issue that such a person would of necessity be part time, so we would need to look at any potential conflicts of interests with the person's other employment. But I believe there are a number of people in our communities, in our universities, in our philosophy departments and elsewhere who would be able to provide this role. I would prefer to look upon the position more as providing somebody who is there for a member to discuss things with when they are not quite sure, but again this might need a bit more prescription so that the person does not become a sort of counsellor by default.

I am prepared to give this a go. I would like to see a review mechanism. I am assuming that the admin and procedures committee will do an ongoing assessment and monitoring of the position and how it works for members and that the administration and procedure committee will be open to hearing from other members about how it works for them, or not, so that we can review it and see whether in fact this appointment was timely and necessary or whether, perhaps, after all, as the 2001 committee decided, we are all well aware of what constitutes ethical behaviour, we take responsibility for our conduct and we understand our obligations—and never visit the ethics commissioner.

MR SESELJA (Molonglo—Leader of the Opposition) (11.53): In listening to Mr Berry bring this motion forward, I have been trying to get my head around the urgent need for this. I think it is fair to say that it is a progression, some of which has been tried in other parliaments. I am not aware of what the urgent need is now, but in principle we do not have any problem with there being some form of advice to members on ethics and integrity aside from the very good advice that we receive at the moment from the secretariat and the Clerk.

I would mention an area where I have some difficulty and where I think the opposition has some difficulty. I do not know that there is enough detail as to exactly how it would work in practice for us to be able to support it. I flag that I will move an amendment, but I am conscious of the legal advice which Mr Berry tabled, which I have not had a chance to read, in relation to whether it should be put into a piece of legislation or not.

My amendment will look at putting it in legislation, but this could just as easily be set out in another form. The principle that we are moving in this amendment is that we should know in more detail the role of the ethics and integrity adviser; the way in which the ethics and integrity adviser might conduct his or her duties; the manner of appointment and dismissal of the ethics and integrity adviser; remuneration, if necessary, of the ethics and integrity adviser; and any other relevant matters. In a moment I will move that amendment.

We are interested in knowing what kind of resources would be needed. Presumably, as Dr Foskey touched on, it would not be a full-time position. What kind of part time are we talking about? We have been keen to see more resources for the Assembly in other areas, particularly for the secretariat and the committees. Having served on the planning and environment committee and the legal affairs committee, I have seen the under-resourcing of committees over a period of time. It always seems too hard to get more resources so that committees can actually do the work that the legislation says they should do. That would be an important increase in the Assembly's resources.

So before we would support this we would like to see what kind of resources would be associated with it and see some more detail on how it would operate. That is why I will now move my amendment, which has not yet been circulated but which will be circulated now. I move:

> Omit all words after "Speaker", substitute: "to present as soon as possible a Bill for an Act for the appointment of an Ethics and Integrity Adviser for Members of the ACT Legislative Assembly which sets out inter alia:
>
> (1) the role of the Ethics and Integrity Adviser;
>
> (2) the way in which the Ethics and Integrity Adviser might conduct his/her duties;
>
> (3) the manner of appointment and dismissal Ethics and Integrity Adviser;
>
> (4) remuneration (if necessary) of the Ethics and Integrity Adviser; and
>
> (5) any other relevant matter.

I will talk on the amendment a little bit more while it is being circulated. The amendment substitutes words after "Speaker", I believe; I do not have it in front of me any more. It talks about having a bill which would set out all the things that I have just mentioned. As I say, it is not tied to it being a bill. If Mr Berry's advice is that that would not be appropriate for this model of integrity adviser, I would be happy for that

to be amended, but before we support it I would like those things set out more clearly so that we know exactly how this would work in practice.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.57): I will seek to speak to Mr Seselja's amendment, even though I do not have it in front of me.

MADAM ASSISTANT SPEAKER (Mrs Dunne): But I am sure that you have the capacity to do so.

MR CORBELL: Thank you for that vote of confidence, Madam Assistant Speaker. Generally speaking, the government strongly supports this proposal by Mr Berry and we do feel that it is appropriate that we stay in step with the advances that have occurred in other parliaments when it comes to advice available to members on issues that have a strong ethical dimension. The provision of advice by an appointed ethics adviser is now a feature of services available to members in other parliaments around the country, notably in the large state parliaments such as New South Wales.

The government approached this issue looking at the whole range of issues that were potentially of concern and I would like to commend Mr Berry for the approach he has adopted in seeking to address these issues of concern as they have been raised in discussion. Of particular concern to the government was that the role of the ethics adviser would not be abused by members and, for example, used to seek commentary on the appropriateness or otherwise of actions by other members in this place. Mr Berry has been able to very clearly put on the record that that is not the intention, nor would it be the role of the ethics adviser to seek to provide commentary to a member on a third party, whether it be another member, another political party or some other entity or individual. So it is reassuring for all members in this place that the role of the ethics adviser is to give that advice directly to a member who seeks it on the issues that they themselves are confronting and are seeking guidance on. I think that is a useful development.

I note that Mr Seselja argues that there should be increased resources for the Assembly secretariat, in particular to the role of committees in the Assembly secretariat. This is an issue that has always been of interest to non-executive members in this place, and certainly in my experience as a non-executive member it has always been the case that the committee secretariat could have more resources. But these are always a function of the allocation of resources overall and it is, of course, a matter which needs to be determined between the Speaker and the executive. I know that the government has always sought to respond as appropriately as possible to requests by the Speaker for additional resources for the Assembly. The Assembly itself, of course, can make a recommendation to the government, and has from time to time, on the level of resources that should be made available to it to perform its functions.

I would have to say, overwhelmingly, that the committee system in the Assembly works well. It provides a good level of scrutiny of government decision making and proposals before the Assembly. It works effectively in calling ministers and their officials to account to explain their decisions. I think we have a very robust committee system here in the ACT. Of course, an opposition will always want it to be more

robust; that is the role of an opposition. Nevertheless, I think it would be fair to say that the system does work well.

The amendment moved by Mr Seselja seems to suggest that this function of an ethics and integrity adviser should be established by way of legislation. That is not a proposal that the government would support, and the reason for that is that I do not think we need to go through the process of establishing a statutory framework for this service to be made available to members. There is a range of services that are made available to members. They do not need to be established by a statute—they can, instead, simply be provided for by an order of the Assembly—and I really fail to see what this process would add to the framework that Mr Berry has already outlined. He has outlined the role of the ethics adviser, the manner in which they will conduct their duties and the manner of their appointment and dismissal. Mr Berry has outlined all of these things already.

An order of the Assembly, I would have thought, would be sufficient for this new position to be created. It does not need, necessarily, to have statutory status to be an effective and workable arrangement. At the end of the day, what we are saying is that members should have open to them the ability to seek advice from somebody who is engaged by the Assembly but who is clearly independent, who does not have an affiliation to any particular member or party in this place but has expertise in giving guidance to individuals when they face particular ethical dilemmas or problems, and I think this is a very sensible way to proceed. So the government will not support the amendment. I fail to see what this will add to the process. An order of the Assembly should be sufficient, and the government will be supporting Mr Berry's motion.

MR MULCAHY (Molonglo) (12.04): Speaking to the amendment, I think the function is reasonably clear from Mr Berry's proposal and I am not sure that the amendment brings anything to the table that is not adequately covered. I think the second part of the amendment, which asks the Assembly to detail how the ethics and integrity adviser might conduct his or her duties, is overly prescriptive. The manner of appointment and dismissal is clearly dealt with under paragraph 8 in terms of removal from office and under paragraph 7 which clearly vests the responsibility for this in the hands of the Speaker.

The matter of remuneration or the nature of that remuneration will be influenced by the fact that it is a part-time position. These were issues canvassed in the admin and procedure committee, and Mr Seselja's party is represented there by Mrs Burke, so I am not sure why that has arisen now. Remuneration Tribunal fees are set for various people holding part-time office that would be comparable and I am sure would serve as a guide to the Speaker. So I will not be voting for this amendment because I do not think it brings much to the table. I think the motion as originally presented by Mr Berry encapsulates all that is required without it being overly prescriptive, which I think in some ways may lessen the capacity of the individual who is appointed to the role.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order! For the information of members, the members in the gallery are members of the parliamentary prayer network. Welcome to the Legislative Assembly.

MR BERRY (Ginninderra) (12.06): One of the most important points I made in my introductory speech on this motion was that this was an incremental move to improve the services available to members in the Assembly. Another important mention was the fact that this was a matter which was dealt with by way of consultation with the administration and procedure committee, which all members are involved in. To my way of thinking, it is extremely important in developing these ideas that a consultative model be adopted.

This is a bit of a bolt out of the blue for me. Whilst in the purest sense I think you could say that, if one were to establish an investigative model as was touched on by the legal advice which I have tabled in this place, there might be a need for an act to give authority to those investigations and decisions, I am confident that at this point in time the best way forward is the model which has been discussed and proposed here today.

The role of the ethics and integrity adviser is set out in the motion. The way in which the adviser conducts his or her business is set out in the motion. The manner of appointment and dismissal is set out in the motion. The remuneration is not—that is yet to be settled—but the Clerk advises me that, because it is a part-time position and ought not be that onerous, it will be able to be accommodated within the Assembly budget. Any other relevant matter really is something which this Assembly may come to deal with from time to time as the position settles. It may at some future point be a decision of the Assembly to establish by legislation a stronger model, an investigative model and so on, but I do not think that is in the minds of members at this point, and for those reasons I will be opposing the amendment.

It is important that we establish the adviser in a climate of accommodation between us all and, whilst I acknowledge the opposition's idea about this, I would have liked to have heard about it a little earlier in order that I might address some of the issues there, though I think what I have said in my response to the amendment would have been relevant had it been raised with me in the past, because I think—and our colleague Mr Mulcahy has mentioned this—that almost all of that suggested in the amendment is accommodated in the motion.

I thank the opposition, though, for putting forward this proposition. It is something that I hope the Assembly is not driven to because of events at some point of time in the future. The aim of the model that I have put forward is to ensure, if possible, that we are not driven to a model which requires that sort of investigative model armed with the power to make decisions in relation to these things at some point in the future. I repeat: this is an incremental improvement on the services available to members.

Question put:

> That **Mr Seselja**'s amendment be agreed to.

The Assembly voted—

Ayes 6	Noes 11	
Mrs Burke	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Berry	Ms MacDonald
Mr Pratt	Mr Corbell	Mr Mulcahy
Mr Seselja	Dr Foskey	Ms Porter
Mr Smyth	Ms Gallagher	Mr Stanhope
Mr Stefaniak	Mr Gentleman	

Question so resolved in the negative.

Amendment negatived.

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 Assembly completing its consideration of notice No 2, Assembly business.

Question resolved in the affirmative.

Standing orders—suspension

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

> That so much of the standing orders be suspended as would prevent notice No 4, Assembly business, relating to the proposed establishment of a Select Committee on Estimates 2008-2009, being called on forthwith.

Estimates 2008-2009—Select Committee
Establishment

MR SESELJA (Molonglo—Leader of the Opposition) (12.15): I move:

> That:
>
> (1) a Select Committee on Estimates 2008-2009 be established to examine the expenditure proposals contained in the Appropriation Bill 2008-2009 and any revenue estimates proposed by the Government in the 2008-2009 Budget;
>
> (2) the Committee be composed of:
>
> (a) two Members to be nominated by the Government;
>
> (b) two Members to be nominated by the Opposition; and
>
> (c) one Member to be nominated by the Crossbench;
>
> to be notified in writing to the Speaker by 4 p.m. today;
>
> (3) the Committee report by 17 June 2008;

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

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

My motion establishes a Select Committee on Estimates 2008-09 to examine the expenditure proposals contained in the Appropriation Bill 2008-2009 and any revenue estimates proposed by the government in the 2008-09 budget. The committee, under my proposal, will be composed of two members nominated by the government, two nominated by the opposition, and one nominated by the crossbench. The committee will report by 17 June 2008, and all the other usual bits and pieces.

The estimates process is a crucially important one. We look forward to the opportunity to scrutinise the government's spending proposals and its budget for the coming financial year. We believe that the best way of providing genuine scrutiny is to have this mix of two members from the government, two members from the opposition and one from the crossbench. This is the way it has often worked in the past, although not always under this government. We look forward to the government's support. I note that an amendment has been circulated, and I look forward to the opportunity to speak to that. I would say that this is the best way of doing it; this is the best way of getting genuine debate and scrutiny within the estimates committee.

The government have not had a good record on withstanding scrutiny. We have seen their attitude to all sorts of things, most notably the Costello report, which they still refuse to release. This is the right way to go, and we would hope that all members would support this motion.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (12.17): I move:

(1) in paragraph (2)(a), omit 'two', substitute 'three'; and

(2) insert new paragraph (3A):

'(3A) the Committee Chair shall be held by a Government member;'.

Mr Speaker, I commend the amendments to members. We have had this debate about the composition of the estimates committee on numerous occasions. Consistent with the approach adopted in the federal parliament and indeed in most other state parliaments around the country, it is the government's view that a government member should chair this committee, and we are proposing an amendment consistent with that.

The government would, of course, reject the assertions made by Mr Seselja that the government is not willing to have these matters properly scrutinised. Government

ministers have been very willing to present and give evidence in detail at estimates committees. Indeed the last budget debate itself went for 16 hours, which is a very high level of scrutiny for a government's budget. Sixteen hours of debate was permitted for the last—

Members interjecting—

MR CORBELL: I know they do not like it, Mr Speaker, but the reality is that 16 hours of debate is sufficient time to properly consider a government's budget. We have always provided an open, accountable and extensive period for scrutiny of budgets, and that will remain the case.

The proportionality principles that apply in this place are entirely consistent with the government's proposition that three government members be appointed to the committee rather than two and that the committee chair be held by a government member, consistent with the practice in other state parliaments and the federal parliament.

The government looks forward to a detailed and considered investigation by the Assembly's estimates committee, and we stand ready to provide every reasonable assistance to it to ensure that the committee's work can be completed. I commend the amendments to members.

MR SMYTH (Brindabella) (12.20): Just before the Chief Minister became Chief Minister in 2001, the huge banner that was constantly held out was "more honest, more open, more accountable", and that a Labor government would be delighted in receiving more and stronger scrutiny. I think the process of the last three estimates committees successively chaired by the backbench of the government has shown quite serious flaws in their ability to actually run the estimates committee.

We have seen members swanning off to Brisbane and Queensland; we have seen members unable to control it; we have seen some very unfortunate outbursts, both by ministers appearing and by committee members; and we have had appalling language. For the committee chair to be held by a government member is an endorsement of the behaviour of the last three years. I think it is very, very sad for such an important committee that this may occur again given what has been seen in the last couple of years.

There has been a tradition of the minister quoting the defence that the government should have control as is the case in other jurisdictions, but it was not always like that. There was certainly a more collegiate approach to all committees, and the estimates committee in particular, since the Assembly started. As we have said, in government we would not be afraid to have the committee chaired by an opposition member. Indeed, it is almost appropriate that it be chaired by an opposition member. If your budget is so sound and if your case for that budget is so good, then you would not be afraid of that level of scrutiny.

We will be voting against the amendments. Indeed, at the 2004 election, the Chief Minister was on the front page of the *Canberra Times* that Saturday morning saying

there was nothing to fear from majority government. Well, if there is nothing to fear from majority government, let the opposition run the estimates committee, as has been the tradition in this place for the majority of the time of the life of the Assembly. What that says is the government is willing to be held accountable; the government is not afraid of in-depth scrutiny; and the government can answer the questions that should be thrown its way instead of gagging the debate, as has been done, and, indeed, directing the debate away from crucial issues at crucial points in time.

We have seen bad behaviour; we have seen the direction; and we have seen the gagging of the budget debate. If you want that honest, more open, more accountable process, then the minister should withdraw these amendments. I suspect he will not. That, again, is an indication of the arrogance and out-of-touch nature of the Stanhope Labor government.

MRS DUNNE (Ginninderra) (12.23): It is sad that one has to come in here again and make points again in relation to these amendments and to oppose them, as we expected that we would have to, yet again. This is a sad indictment of the government. The manager of government business says, "We are doing it this way because we can." He said the precedent is in other parliaments that the government gets to chair the estimates committee. Governments who have majorities and who do not have standing orders that prevent them from doing so get to do this. The tradition in this place for most of the 20 years of ACT self-government has been that an opposition member or, very occasionally, a crossbench member chairs the estimates process.

As Mr Mulcahy would know, although I gather he has changed his view somewhat given his changed circumstances, if you look around the world and you look at Westminster parliaments there are plenty of others where tasks of chairing things like estimates committee are given to members outside of the government, because the parliament actually believes it is the right thing to do. In the past I have spoken of the precedents of the national parliament in Canada, where the standing orders actually prescribe that the equivalent of the public accounts committee and the review of budget expenditure, for example, are committees which are specifically set to be within the purview of the opposition.

This opposition has—and I will reinforce this—in the past passed a motion that it is our intention, whether in government or out of government, that, irrespective of who is in government, the purview of the estimates committee should be the nominee of the Leader of the Opposition. Of course, after October this year we will have the opportunity to put our intention and our policy into practice. This has been our long-standing position. It was always our position when we were in government, and it has been formalised. This must be about the fourth or fifth time that I have brought this to the direct attention of the Assembly.

We believe, irrespective of who is in government, that this should be a matter where there is absolute and unfettered scrutiny of the government's budget by the Assembly. The best way to ensure that is to ensure that the chairmanship is not the captive of the government. The job of the chairman of the estimates committee is to, within the forms of the standing orders, allow an appropriate level of investigation and not to divert things off and run for cover and run interference when ministers are feeling discomforted. That is why we cannot support this motion.

We cannot support a motion where the chair of the committee will be a government member. It is contrary to the form and practice of this place, except over the past three years. The performance of government members as chairs of this committee and the general performance of government members on this committee over the past three years has been reprehensible, down to the point of members having to be dragged back from their overseas jollies because they left before the work was completed. There has been bad language and outbursts and lack of willingness to restrain and constrain ministers in their bad behaviour. They have all been a symptom and an emblem of everything that is wrong with the way the Stanhope government runs things. That has been badly manifested in the estimates process, and that is why we cannot support these amendments.

MR MULCAHY (Molonglo) (12.27): I will be supporting the motion as it stands and opposing the amendments. I do agree with the view that a desirable situation for this sort of committee is for it to be chaired by a non-government member—not necessarily a nominee of the Leader of the Opposition. I do believe that the departure of that practice by the former federal government was a retrograde step, and I think it is a retrograde step around Australia that majority parties are now increasingly parking one of their own into the role of the chair of key committees rather than trying to achieve some measure of balance.

Obviously the government has amendments that will change the composition of this committee and ensure they capture the chair without debate. I guess that removes the sort of horse-trading that went on in 2005, when Mr Seselja and I were members of the estimates committee. But I have expressed in the last 48 hours or so real concerns about the whole committee system here—it just simply is not working when you have majority government.

The idea of a committee system is to provide some check, especially when you do not have an upper house, as exists in some states of Australia. This is our first experiment with majority government, but, when I look at some of the responses to committee reports and I think of the hours that people have put in and the witnesses who have given evidence who are just dismissed with a cursory action of their evidence being noted or whatever, I do not know for the life of me what progress we are making in having these committees. There seems no point to them if they are simply going to be exercises of sitting around and having a talkfest and their reports then being ignored.

I will support the motion, notwithstanding what the outcome is inevitably likely to be on this one. I still think the government is hasty in wanting to amend this, because I do not think it necessarily reflects terribly well on governments when they want to control everything, as is going to be the case with this committee.

Enabling a bit of independent scrutiny and criticism can enhance the standing of one in the community, in my view, but that will not happen. The motion as it stands is fair; it reflects the balance of the Assembly, which is supposed to be the custom and practice, and I will vote for it. I do not think that it is a good move to try and dilute the structure of this committee.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

World Youth Day

MR SESELJA: My question is to the Chief Minister. World Youth Day is being held in Sydney later this year and will attract tens of thousands to Australia. As part of the lead-up to World Youth Day, events that have the potential to attract thousands of visitors to the ACT are being held in Canberra. Could you please outline for the Assembly what support the ACT government has agreed to provide for World Youth Day in Canberra? What, if any, additional support is being considered?

MR STANHOPE: I thank the Leader of the Opposition for the question. The ACT government—most particularly through the Department of Disability, Housing and Community Services—has been very heavily involved with the Catholic organising committee on the World Youth Day and, most particularly, those aspects of the World Youth Day which will be conducted here in the ACT. Indeed, we have already agreed to a significant level and range of support for the organisers, the Catholic Church.

I was most pleased—just in the last couple of weeks—to dine with the Archbishop to further discuss the level and range of support which the ACT government has provided and is able to provide in the future. The first level of support we provided for World Youth Day—particularly as it affects most directly the ACT—was to agree to a request from the Archbishop to support the visit and the living expenses of all members of the East Timorese or Dili diocese to travel to and participate in World Youth Day activities, both here in the ACT and in Sydney.

We have agreed to provide significant support. This is being arranged through the events and communications area of the Chief Minister's Department. In relation to information for all visitors to the ACT during events here, there is the development of the publication, and all the printing and dissemination of information brochures on Canberra with maps. We have agreed to provide significant assistance with transport throughout the ACT. We have agreed to allow the free use of all facilities at EPIC for the duration of the event and celebration in the ACT at quite a significant cost.

We are continuing to negotiate on a range of other possible support initiatives, most particularly in relation to transport. I would have to take a briefing on the specifics in terms of days and costs. But those are the broad outlines of the broad range of support which the ACT government is providing and will continue to provide.

Balloon festival

MR SMYTH: My question is to the Minister for Tourism, Sport and Recreation. Minister, we are now aware that the Chief Minister and you approved the change in operator for Canberra's new balloon event "with nothing in writing", without there

being any business plan and without any budget. We are also aware that you said in a media release that the change in operator for Canberra's new balloon event, supported with funding of $70,000, "represents best value for money for ACT taxpayers". Minister, in documents you provided to the public accounts committee last week, and published this week, you comment that the total budget for the balloon event "is still being finalised". Minister, how can you claim that your new balloon event represents "best value for money" when there is no budget for this event?

MR BARR: I thank Mr Smyth for the question. Members would be aware, as this subject has been canvassed extensively in this place, that the government indicated that we would provide $70,000 in assistance—$50,000 from the Tourism event assistance program and $20,000 from the festival fund—and that that money would be made available to the alternative operator of the event, given that the previous operator had submitted to the government a proposal for a nine-day event and subsequently indicated that, for the available government funding, they would not be able to operate a nine-day event here in the ACT.

As I indicated in my response to Mr Smyth's question yesterday, we were left with three options: to accept the reduced, four-day event for an increased amount of money, have no event at all—

Mr Smyth interjecting—

MR SPEAKER: Order, Mr Smyth!

MR BARR: or pursue the avenue that we chose to pursue, and that was to contract a local supplier, Balloon Aloft, to undertake the event management. In relation to the question of budgets, at the time that I provided the answer to that committee, we were still finalising sponsorship arrangements. As I indicated yesterday, we have a range of sponsors supporting the event. KAZ Electronics have come on board with a $25,000 cash sponsorship. There is also cash sponsorship from a range of other organisations, including ActewAGL and Canberra CBD Ltd. There are media partners—the *Canberra Times*, Southern Cross Ten and 666 ABC—and an accommodation sponsor, the Hotel Heritage.

Given the tight time frames that are involved, and as Mr Smyth would be aware, given the extensive documentation that he has received, I extended, and continued to extend, the time available for the previous operator to reach agreement with the government until the middle of February.

Mr Smyth: How did you make the judgement—

MR SPEAKER: Mr Smyth, order! I did not call you to order for the fun of it.

Mr Smyth: On a point of order, Mr Speaker: the question is not about the litany that Mr Barr is reciting; the question is: how can you claim that your new balloon event represents the best value for money when there is no budget for this event?

MR SPEAKER: I think Mr Barr is explaining the budget.

MR BARR: Let me reiterate, for the benefit of Mr Smyth, who really struggles with this issue, that the level of government contribution is $70,000. The budget for the event, though, will be greater than that because there are other sources of support for the event—namely, sponsors. Those sponsors, as I indicated yesterday, are supporting the event and providing cash sponsorship and also in-kind support. And the event will continue to receive the same sorts of in-kind support that it has received from the ACT government throughout its 22-year history. So it is of no surprise to anyone that Australian Capital Tourism is promoting the event on its website, as it did for the six years when it was run by the Canberra Balloon Fiesta Inc., and as it did for the previous 16 years of the event.

There is no change to the arrangements in terms of in-kind support from the ACT government. We have always provided it, and we always will, because it is simply a fact that this event is not viable without significant government assistance. But we have set that level of assistance in cash terms at $70,000. That was the budget for the event. The in-kind support has varied from year to year.

Mrs Dunne: That is your cash contribution. What is the whole budget?

MR SPEAKER: Order, Mrs Dunne!

MR BARR: In 2006, when it was run by CBF, my understanding is that Tourism staff did on-the-ground marshalling and provided nearly $100,000 worth of in-kind support. That is an example of the ACT government's involvement in this event. But it is worth noting that we have, through our partnership with these sponsors, an enhanced budget for the event, and that the ACT government's contribution is $70,000.

MR SPEAKER: Supplementary question, Mr Smyth?

MR SMYTH: Minister, how could the Chief Minister and you approve the new balloon event when there is no business case, no budget and nothing in writing? And, if you now have a budget, will you table it by close of business today?

MR BARR: Quite simply, as I indicated previously, we had three options. We went with either an inferior event or no event at all, or choose the option we did, which was to put together this event. If the budget is available, I am happy to table that for Mr Smyth. What I can table shortly—and I will at the conclusion of my answer, in four minutes and 36 seconds—

MR SPEAKER: It is not compulsory.

MR BARR: is to indicate the nature of activities as part of the national autumn balloon spectacular. From 6.30 each morning, starting on 19 April, we will see on the lawns of Old Parliament House a balloon village. Each day will have a separate theme. On Saturday the 19th it will kick off with Canberra's 500-voice choir before their major performance as part of the—

Mrs Dunne: Point of order, Mr Speaker: the question is about the business case and the budget, and whether or not the minister will table the budget.

MR SPEAKER: He mentioned—

Mrs Dunne: An exposition of what is going to happen on a day-by-day basis is neither a business case nor a budget.

MR SPEAKER: Order! Mr Barr.

MR BARR: I will draw the attention of members to the event agreement that was part of Mr Smyth's FOI request, documents 89 and 90, which he would have in his pack that was made available. That agreement was made on 18 February 2008. I am happy to table the following document:

> Balloon event agreement.

But I further indicate once again that the opposition needs to come clean here on what its position is in supporting this balloon event. All we have is negativity and opposition. We are going to have an outstanding balloon event that delivers value for money to taxpayers. Fundamentally, that is the choice that we faced. It was either accept an inferior event, a four-day event—

Mrs Burke: Never mind the process! Don't worry about the accountability!

MR SPEAKER: Order, Mrs Burke!

MR BARR: Accept an inferior event in spite of the fact that we have increased the budget—the government's contribution—by 40 per cent or pursue a different course of action, which is what we did. And we will have an outstanding event.

To continue as I was going to before I was interrupted by Mrs Dunne, I can say that on Sunday the 20th the theme will be jazz. There will be a live jazz band.

Mrs Dunne: Point of order, Mr Speaker.

MR BARR: On the 21st and 22nd it is all about kids, and Questacon will be holding—

Mrs Dunne: Point of order, Mr Speaker. Again I make the point—

MR SPEAKER: Order! Stop the clock.

Mrs Dunne: I make the point that the question was specifically about the business case and the budget. As I said before, and I think you ruled on this, an exposition of what is happening on a day-by-day basis refers to neither a business case nor the budget.

MR SPEAKER: I do not recall ruling on that specific point.

MR BARR: Mr Speaker, the business case and the budget deliver the event. I am outlining what will occur at the event, which I think is entirely relevant.

MR SPEAKER: I think that is connected with the business case.

MR BARR: Thank you, Mr Speaker. They do not like hearing it. It seems that they are so opposed to a local organisation running this event. It is amazing—it really is. You really have to wonder what it is that someone at Balloon Aloft did—

Mrs Dunne: No. We're in favour of good process; we're in favour of government accountability.

MR BARR: Somebody at Balloon Aloft must have done something bad to you some time ago, because you have a remarkable vendetta against this organisation and against the local ballooning fraternity, it would seem.

On 21 and 22 April the theme is all about kids. Questacon will be holding four 20-minute science shows during the morning as well as a range of other fantastic children's entertainment. On Wednesday the 23rd, for those who are fans of both kinds of music—that is, country and western—you can slap on a cowboy hat and enjoy some great live entertainment. Thursday the 24th is the mass ascension of hot air balloons, which is part of the Olympic torch relay celebrations. There is a free community breakfast and you can view a range of other activities occurring on that day. Friday the 25th is, of course, Anzac Day. It is an opportunity to respect the fallen and celebrate the Australian spirit. There will be a two-up demonstration, I understand, and a range of other things in accordance with Anzac Day.

The 26th is the second weekend of the nine-day event. It begins on a classical note. String music will echo off the lake as balloons gently drift over. It will be a very pleasant and relaxing way to spend a Saturday morning. The festival will finish on 27 April with a celebration of the multicultural community in Canberra, an international day.

The question must be asked: what is it about this event that the Liberal Party so opposes? What is it about the local ballooning fraternity and all of those activities supporting local companies, local businesses, local media outlets? It is a great event for the ACT. We know that the Liberal Party cannot give up its grudge against this. Even Paul Gibbs, the chairman of the former operator, is flying a balloon in this event. He is big enough and generous enough to participate in this event. But not Mr Smyth. He and the Liberal Party cannot bring themselves out of their muckraking, out of their usual negativity towards all positive events in the ACT. *(Time expired.)*

Public housing—Fraser Court

MR MULCAHY: My question is to the Minister for Housing. Minister, last week I welcomed your announcement that the government had decided to sell Fraser Court. I was also pleased to hear your comments on radio that the government had moved away from and would not be building any more large-scale public housing complexes

in the Fraser Court model. Minister, will you take this decision to its logical conclusion and review the suitability of other existing large public housing complexes, with a view to, if it is appropriate, selling them off to allow investment in other possibly more suitable properties?

MR HARGREAVES: I thank Mr Mulcahy for the question. It is true that the multiunit complex model was, I suppose, appropriate for its time in the 1950s and the 1960s. Over time, the model has developed into a dysfunctional, inefficient and quite inappropriate model to house people. In fact, what it does is encourages the collection together of people with like problems of dysfunction in our community. It also does not allow us, as a society, to introduce interventions which will have a long-lasting effect, because the environment itself works so often to the contrary of those particular interventions.

In answer to Mr Mulcahy's question, the short answer is yes. The long answer is that I have asked my department to consider bringing forward a paper for consideration by cabinet on a way forward. We have already introduced a number of changes to the way in which we allocate housing specifically to address the need of the applicant. In the past, people's needs have been a secondary consideration, until the Stanhope Labor government came to office. Now the allocation is based on need, as part of a range of supports that we bring to bear to assist people to a better life.

What we need to do, though, is consider how this can be done with respect to multiunit properties. When we now apply moneys that we have realised through the sale of real estate—it can be the sale of stand-alone properties or, in the case of Fraser Court, the sale of a multiunit property—it affords us the opportunity to address the style of housing that we would apply.

We need to address two issues. One is to make sure that we provide accommodation suitable for those people already there. The experience we have had in Fraser Court is that, when we have relocated people, it has been to a situation where people have had a much more successful life. The other supports that we bring to bear are contained within the community at large. They are not concentrated in the one spot. However, we also need to take into consideration the needs of the people on the list, which is our paramount one at the moment.

What we are doing, as members would know, is salt-and-peppering through the community. That salt-and-peppering can be in the form of stand-alone houses. We are now talking about smaller sized blocks so that the amount of money that we are actually investing will realise a smaller house.

We also understand that the people in the public housing system will go from different sized accommodation throughout their lifecycle. But we are also making sure that people have an opportunity to age in place so that, when we use money, like from the sale of Fraser Court, we can actually provide accommodation in the suburbs where those sales occurred. If a person wants to downsize out of a three-bedroom home because the spouse has died or something like that and we do not want them to move away from their supports and their families, we are going to be attempting to apply urban infill processes that build or buy specific places for those people.

Some of the people that we have suffer a mental dysfunction. We need to make sure that those folks are located close to the medical supports that they need. An example recently was when we actually built a six-unit complex in Braddon, to make sure that these people were there. Six to 12 is as much as you are going to get. We are not going into the 200-apartment blocks system anymore.

MR SPEAKER: A supplementary question, Mr Mulcahy?

MR MULCAHY: I thank the minister for the response. My supplementary question, minister, is: when did you decide to move away from large-scale public housing complexes, and is there a specific timetable for disposal of the Stuart Flats and the Red Hill housing complex?

MR HARGREAVES: I cannot tell the member the exact date that the thought came to us, but I can tell him how the thought arrived. Members would remember me telling them how, in fact, as the new Minister for Housing, I had ministerial forums. I spoke to people who were tenants, I spoke to people who were in the industry, and I talked to people in the non-government organisations about a range of issues, and the issue of dysfunctional tenancies was one of them—that is, the issue of people trying to survive and trying to get a leg up out of a multi-unit property. So, it became the subject of conversation at the summit in 2005.

At that summit I had discussions with developers, I had discussions with the tenants union, and I had discussions with Shelter and a whole heap of people. It emerged that that model which applies itself to Stuart, Gowrie Court, Red Hill, Illawarra Court, Havelock House, Fraser Court—before we moved out of it—and Burnie Court was not working and that we needed to do something about it. That was the time when I asked the department to give some thought to that. When we decided to develop a very rigorous document and a scientifically valid and researched document for cabinet was some months later. That work is still yet to be done and I have yet to take that work to cabinet.

With respect to the flats that Mr Mulcahy identified, there is no timetable at this point. We need to remember that, in attacking this problem, we cannot just turn up on a Thursday and spend the weekend moving people into other accommodation. It does not work in that way. It works in a number of ways, and one is the amount of churn. In some of our multi-unit properties we have got churn as high as 17 per cent. So, if you wait long enough, the place will self-empty and then you can move forward.

Mr Mulcahy: Are you refilling them?

MR HARGREAVES: Once an area has been targeted, we do not refill. Currong Flats is an example of how that worked. The other way, then, is to say to the tenants who are there, "Come and have a look at something which is brand new." Where we have someone in a one-bedroom apartment, we would take them to a two-bedroom facility where they would have a better one and more facilities, et cetera.

Some of the multi-unit properties, however, pose a problem for us, because there are people in some of our bedsitters paying $90 a week, and they cannot afford anything

greater than that. We need to understand the budgetary impact on the taxpayer of getting them out of that particular complex into something else, because our rebate then goes up and our liability goes up with it. Further, we are taking people away from their supports, and that might not work either. So, sometimes, those decisions are best left to natural attrition, where the churn picks up that. It is a combination of all of that.

Mr Seselja: More debt, Richard.

MR HARGREAVES: If you're going to be insensitive about it, you feel free. If we have a combination of that, then everyone is a winner. Now, I can assure the chamber and the Assembly that every penny we get from the sale of these multi-unit properties—every single cent—goes towards the purchase of more real estate for the public housing portfolio.

Members might like to know that we also have a regard to the density of public housing in any given suburb. Ainslie, for example, at one point was as much as 35 per cent public housing. In Kingston, it is 9.24 per cent. The average across town we would like to see as reasonable would be 10 per cent—between 10 and 15 per cent, depending on the suburb. We are conscious of not wanting to overload some suburbs, but we are also conscious of the fact that, at the end of the day, this is a service about positively affecting somebody's life and not leaving them to sit in a place by themselves in a dysfunctional environment when we can, if we have the will, do something about it. We will, because we can. We will be in office long enough to see it happen.

Economy—interest rates

MRS DUNNE: My question is to the Chief Minister and Treasurer. Treasurer, you have had a lot to say in the last few days in this place about interest rates. In the Hawke-Keating years the average interest rate in Australia was 12.75 per cent and in the Howard years it was 7.26 per cent on average. There is a range of economic factors that influence interest rates. These include the inflation rate, domestic consumption, the rate of public and private gross fixed capital formation—

Mr Hargreaves interjecting—

Mr Pratt interjecting—

MR SPEAKER: Mr Hargreaves and Mr Pratt, order!

MRS DUNNE: the increasing credit risks of lending institutions or the worsening market conditions and growth standstills in overseas countries, especially large economies like the United States. Treasurer, which of these factors or combination of factors impacted most on the Hawke-Keating's 12.75 per cent and the coalition's 7.26 per cent interest rates?

Mr Corbell: I raise a point of order, Mr Speaker. The question is clearly out of order. The Chief Minister is not responsible for any of those matters relating to federal

interest policy under the Hawke-Keating government, and the question was completely and inappropriately directed to him.

Mrs Dunne: On the point of order, Mr Speaker: the Treasurer of the ACT is someone who should have a grasp of the economic factors in relation to this. This is not a question about the policies; it is a question about the factors, and those factors are things that he should be aware of as the Treasurer of the ACT.

MR SPEAKER: It is a call for an expression of opinion and it therefore is out of order.

Mrs Dunne: Mr Speaker, on the point of order: this is not calling for an expression of opinion. This is calling for an exposition of the factors relating to inflation rates. He is the Treasurer. He does not have to express an opinion. There are classic economic texts that would refer to these things.

Members interjecting—

MR SPEAKER: Order everybody! The Chief Minister and Treasurer is not responsible for federal interest rate policy either.

Mr Smyth: On the point of order, Mr Speaker: as Mrs Dunne said, the Chief Minister has spoken about this all week. The question was in relation to comments that the Chief Minister has made on Tuesday and Wednesday in this place. If he cannot back those comments up with his knowledge, that is fine, and if they are hiding from that, that is okay. But the preamble to the question clearly stated that this was based on his comments this week. He has introduced the matter to the Assembly; he should be able to answer the question.

Mr Corbell: On the point of order, Mr Speaker: the question was in relation to interest rate policy under the Hawke-Keating government.

Opposition members interjecting—

Mr Corbell: Fair crack of the whip, Mr Speaker. You can blame Jon Stanhope for a lot of things, if you like, but you can't blame him for that.

MR SPEAKER: The question was about interest rate policy under the Hawke and Keating governments, which is not the responsibility of the Treasurer and Chief Minister.

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

MR SPEAKER: I have ruled on it.

Mr Smyth: The question does not mention the word "policy". It states an historic fact that the average interest rates under the Hawke-Keating governments were—

MR SPEAKER: I have ruled on the matter, Mr Smyth.

Health system

MS MacDONALD: My question, through you, Mr Speaker, is to Ms Gallagher in her capacity as Minister for Health. Can the minister update the Assembly on recent figures on the performance of the ACT health system?

MS GALLAGHER: Thank you, Mr Speaker. I thank Ms MacDonald for the question. The recent quarterly performance report for quarter 2 of 2007 shows some improvements in key areas of the ACT health system, in particular, areas which we have been focusing on improving in relation to emergency department waiting times. In this quarter we have seen 100 per cent of category 1 presentations treated on time. There has been a four per cent improvement in category 2 presentations, from 77 per cent to 81 per cent. There has been a nine per cent improvement in category 3 presentations, from 46 per cent to 55 per cent. There has been a five per cent improvement in category 4 presentations, from 51 per cent to 56 per cent. Category 5 is the only area where we have seen a slight drop in timeliness. This has gone from 84 per cent to 82 per cent, but continues to remain well above the national benchmark of 70 per cent.

Importantly, the emergency department continues to treat 100 per cent of people who need immediate assessment and treatment—category 1—on time. At the same time, in this quarter we have seen high demand for urgent emergency department services, with total presentations for category 1 and category 2 being 16 per cent higher in the second quarter this year compared with the same quarter last year. This represents more than 280 extra high needs patients attending the emergency department over just one quarter, which equates, on average, to an extra three high needs patients requiring urgent assistance every day.

We know that we still need to continue to focus on category 3 and category 4 timeliness. That is something I have said in here a number of times, but I am very pleased to have seen the significant improvements in the category of timeliness in four of the five categories in the emergency department.

In elective surgery we are continuing to be on target to reach a record amount of 9,600 elective surgery operations this year. This second quarter shows that 2,253 people received elective surgery at the ACT public hospitals, which is two per cent up on the same period last year. In the previous financial year we provided 9,327 elective surgery procedures. We have seen that our extra investment in elective surgery has been targeted at people who have been waiting too long for the care, and we have seen a 15 per cent drop in the number of people waiting longer than one year for surgery over the past two years. We continue to provide outstanding performance in relation to category 1 elective surgery throughput, with 96 per cent of patients admitted on time in the second quarter of this year.

These are areas that the government is constantly criticised for. They are areas where we have accepted that we needed to improve on our performance in particular categories. This quarter shows that the extra investment we have provided to the hospital by means of extra funding for elective surgery, but also extra beds in the

hospital to deal with demand are starting to turn the corner and we are seeing improvements. It is right that the Assembly should acknowledge those improvements when they occur.

MR SPEAKER: Supplementary question, Ms MacDonald?

MS MacDONALD: Minister, what are the reasons for these improvements?

MS GALLAGHER: The main reason behind the improvements has been our extra investment. This government has increased funding to the health system by just over 61 per cent. This money has been targeted to areas of increasing demand. For example, in mental health alone, we have increased funding by 109 per cent. We have turned the corner from being the lowest per capita spender on mental health to being amongst the highest.

We have increased our bed capacity. We have provided an additional 147 beds to the ACT public hospital system. There are more of those to come as we continue to see massive increases in demand for health services. We expect that the already provided increase will mean more than 800 hospital beds on average in the ACT, which is an increase of 24 per cent on the beds available in 2001-02.

There is more to be done in this area. The demand for health services is growing at a rate such that most governments are finding it difficult to meet demand. We know that the growth in demand here will increase right up until 2020. This government is making the plans. It is putting in place commitments around how we will continue to meet the demand that we have not only today but also in the future.

Public housing—prostitution

MR PRATT: My question is to the Minister for Housing, Mr Hargreaves. Minister, on 13 March, you said on ABC radio that you had never received complaints from residents in Theodore about prostitution and other criminal activities involving tenants in public housing in that suburb. You also said anybody who had information about such matters should be reporting this to police. Minister, on 13 and 14 March 2008, I received emails from two outraged residents, partly in response to your radio interview, who have had to put up with prostitution, drug trafficking, burglaries, vandalism and intimidation involving three government houses in their neighbourhood, and who have repeatedly reported such matters over a 12-month period to police, your department and finally to your office, including, specifically, the allegations of prostitution. I quote from the first email: "During this time I and numerous other residents who shared the same fate called or wrote to ACT Housing" and "I added my name to a petition addressed to Minister Hargreaves." The second constituent writes, "We've called the minister's office and talked to the woman who fields these sorts of issues." Mr Speaker, I seek leave to table the two emails.

Leave granted.

MR PRATT: I table the following papers:

> Copy of email to Mr Pratt, dated 13 March 2008.

> Copy of email to Mr Corbell (Minister for Police and Emergency Services) and Mr Hargreaves (Minister for Housing), dated 14 March 2008.

Minister, why did you publicly mislead the ACT community about the problems involving criminal activity in government housing in Theodore?

MR HARGREAVES: Firstly, I didn't. Secondly, Mr Pratt ought to get with the program. I have not been the minister for police for 18 months. Thirdly, he is talking about and has listed all of the things which apply to matters which sit within the purview of the police. I do not know the number of times I have had to put this particular position to Mrs Burke and now to Mr Pratt, because they seem to be either deliberately not listening or they are incapable of rational thought and of working this out.

Mr Pratt talks about behaviour which is illegal and matters which should have been before the police. I would like to know whether Mr Pratt passed this information on to the police and, if he did not, why he did not.

Mr Pratt: Yes.

MR HARGREAVES: If he has passed them on to the police, I congratulate him, because that is what should have happened. Let me ask the question: since when did Housing ACT accept responsibility for the elimination of criminal behaviour? These people opposite are quite happy to lay responsibility for criminal behaviour at the feet of Housing. They stand condemned.

Mr Pratt: Why did you say that on radio?

MR SPEAKER: Order, Mr Pratt!

MR HARGREAVES: I had not received information at that point, to the best of my knowledge. Had I received that information, I would have counselled the people to put the matter before the police.

It is also important for the chamber to know that Mr Pratt puts this information on the public record as fact. What has happened is that it is hearsay. These are alleged offences. How do we know, until they are investigated by the police, that they are actual offences? As it turns out, his colleague Mrs Burke, and no doubt his good self, have become quite expert in running scare tactics about illegal behaviour.

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

MR HARGREAVES: I am. We are talking about the issue of prostitution in public housing. These blokes here put on the public record that there was a person in public housing engaging in that, with kids under age. When it was investigated, it was found that that was a vexatious complaint by a neighbour, with absolutely no substance to it at all.

Mrs Burke: No, it is not.

MR SPEAKER: Mrs Burke, order!

Mrs Burke: You're in denial.

MR HARGREAVES: Not one skerrick of fact.

Mrs Burke: You go down there.

MR SPEAKER: Order! Mrs Burke, you ignore my pleas for order at your peril. I warn you.

MR HARGREAVES: These folks opposite are very good at bringing something into this chamber which (1) is not within the responsibility of Housing and (2) has no substantiation to it. All Mr Pratt has done is put down an email about an alleged offence which he then says he took off to the police, and I congratulate him on that, and that is where the matter should rest. The police will do their job. Again, I will tell Mr Pratt to get with the program. I have not been minister for police for 18 months.

MR PRATT: Thank you, minister, for that very colourful and very interesting response. Minister, if you have said, correctly, that anybody with information about criminal activity must pass it on to the police, have you not failed to adjust the system by not passing on to police reports of criminality passed on numerous occasions about prostitution in government housing in Theodore?

MR HARGREAVES: No, I have not. In every single case where I have got the slightest bit of suspicion that something is able to be substantiated, I have passed the matter on through my office. We have a memorandum of understanding in place with the AFP. We have that arrangement with Housing ACT and ACT Policing whereby all these matters are brought to their attention. We work with them.

Mr Pratt: You said you have received no reports.

MR SPEAKER: I warn you, Mr Pratt.

MR HARGREAVES: When Mr Pratt sends me information, I treat it usually with the contempt that it is due, because he is known to fabricate things; he is known to exaggerate things.

Mrs Dunne: On a point of order: this answer is entirely outside the standing orders. There was a question about why the minister had not passed on information. It is not an opportunity to make aspersions about another member of this place and accuse him of lying. That needs to be withdrawn. He accused Mr Pratt, essentially, of lying by accusing him of fabricating things.

MR SPEAKER: I will check the *Hansard*, but I did not hear him accuse Mr Pratt of lying.

MR HARGREAVES: I did not.

Mrs Dunne: He did not directly accuse him of lying; he accused him of fabrication, which is an accusation of lying.

MR SPEAKER: That might be the way you constructed it. I did not read it that way. I will look at the *Hansard*. Come to the subject matter.

MR HARGREAVES: I am. The subject matter is: Mr Pratt says that because he has sent me some information and I have not passed it on instantly to the police I have misled the community. He then says that because somebody sends me something and I do not pass it on to the police then I have misled the community.

What happens in every single case when somebody from the community sends me an email is that I respond to them. I probably respond about 80 per cent of the time personally. Then we pass the matter on to the department where there are processes. Those processes are: where there are accusations of illegal behaviour, they are investigated and referred to the police. That is the process that we undertake. That is the process that has been undertaken from time immemorial.

However, it needs to be put on the record that Mr Pratt is known to exaggerate an issue, to blow it up out of proportion, for a sensational headline. He is only exceeded in his ability to do this by Mrs Burke, who has the ability to take the truth—

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

MR HARGREAVES: I am.

MR SPEAKER: It is not about Mrs Burke.

MR HARGREAVES: I am coming back at the rate of knots.

MR SPEAKER: Otherwise you can sit down.

MR HARGREAVES: Okay.

Olympic torch relay

DR FOSKEY: My question is to the Chief Minister. It is about the Olympic torch relay. At a public hearing of the public accounts committee in November last year, the Chief Minister indicated that it was a federal government decision to hold the major torch relay event in Canberra. The Chief Minister advised the committee that he would seek a commonwealth contribution to that cost. Since then, with the international protest movement taking off, it has become very clear that the cost of the torch relay will skyrocket.

Could the Chief Minister advise the Assembly how much the commonwealth will be contributing to the event? Will the commonwealth be providing extra finance to cover the substantially increased cost of policing and the installation of barriers—mentioned in today's *Canberra Times*—which the expected protest will require? Will the

commonwealth or the territory be required to pick up the salary and overtime bill for AFP and protective service officers?

MR STANHOPE: I thank Dr Foskey for the question. I am not quite sure whether I heard correctly the preamble about the responsibility for the decision that the torch relay be held in Canberra. The decision was essentially—

Dr Foskey: Explanation?

MR STANHOPE: I did not quite hear. I can give you the answer. The decision that the torch relay be held in Canberra was essentially an offer made by BOCOG to the ACT government. To the extent that a decision was made to conduct the relay here, the decision was in the first instance made by BOCOG and then relayed to the ACT government, which I was happy to accept.

When we did an analysis of likely costs, ACT government officials came to a sum—in terms of anticipated costs—of between $900,000 and $1 million. The ACT government approached the commonwealth at an early stage in relation to that. We received an assurance from the then head of the Prime Minister's department, Dr Peter Shergold, that the commonwealth would willingly accept responsibility for half of that anticipated cost.

At that stage, the discussions held between Mr Andrew Cappie-Wood, chief executive of the Chief Minister's Department and Dr Peter Shergold, the then head of the Prime Minister's department, were on the basis that the commonwealth would meet costs of around half a million dollars. We, until this week, believed that that would be the rough totality of costs associated with the relay.

It was initially imagined that ACT Policing would be able to absorb the cost of security requirements. That is no longer—in the light of enhanced security arrangements that have been put in place—a likelihood. Dr Foskey, you are quite right. We now anticipate significantly increased security costs. At this stage it is simply impossible for me to even guess the quantum of that additional cost. But it will be significant. There is no doubt about that.

Having regard to the nature of the protests and the reasons for the enhanced security—and, of course, the enhanced security costs—the ACT government proposes to approach the commonwealth to meet the entirety of the security costs for the relay. That will be the position we put to the commonwealth: that—in the context of the event, the protests and the nature of the protests—we believe it is reasonable for the commonwealth to accept responsibility for those costs. At this stage we have not put that position to the commonwealth. I have spoken about it publicly, so they will know it is coming. We will—as we do whenever there is an argy-bargy around money—undoubtedly have something of an arm wrestle.

Dr Foskey, there will be significant increased security costs. We must ensure the security of the relay and the safety of the people involved, as well as those members of the Canberra community that wish to celebrate the torch relay and those Canberrans and other Australians who wish to take the opportunity to demonstrate.

We must provide a secure and safe environment for all people involved in the relay. If there is a cost to that, it is a cost that cannot now be avoided. As I said, we will be asking the commonwealth to meet the security costs for the relay.

MR SPEAKER: A supplementary question from Dr Foskey.

DR FOSKEY: Thank you. Given the ACT's human rights framework, can the Chief Minister assure the Assembly that he will do everything he can to ensure that the AFP and protesters staging peaceful protests at the relay work cooperatively together?

MR STANHOPE: Dr Foskey, I have to say I have the highest regard and respect for ACT Policing and the Australian Federal Police. I have always said—and I do not just say it because I at this moment in time happen to be Chief Minister within the ACT—that I believe that the ACT and the people of Canberra are blessed in the police force that we have. There are issues from time to time. We all accept that. But we have an extremely good police force.

I believe the Australian Federal Police and ACT Policing, at one level one and the same organisation, are the best police force potentially in the world. I have the highest regard for ACT Policing leadership and officers within ACT Policing. I have absolutely no doubt that in their training and in their preparations for the relay and the security role which they will carry out during the relay they will be mindful of their responsibilities. They will be mindful of their responsibility in relation to demonstrators or people potentially breaking the law and the requirement to use only proportionate and reasonable force to observe and respect the human rights and the rights of all people, whether or not they be offenders, potential offenders, alleged offenders or, indeed, members of the Canberra community simply wishing to observe the relay or members of the Australian community participating in the relay.

I do not think it is particularly necessary, and I am not sure it is even appropriate for me in relation to the torch relay to say, "I will demand of ACT Policing that they observe the highest standards," because I expect it of them, and I have no reason to believe that they will not observe those standards. But it would, of course, be my expectation, just as it would be the minister's expectation that the police carry out their responsibility, their role, compliant with the law and compliant with the extent of their authority and the police powers which are vested in them.

Similarly, Dr Foskey—and I am glad you touched on it—I would also similarly expect of all people involved in the relay, whether they be participants, observers of the relay or demonstrators, that they similarly obey the law and respect the entire process. I think it has to be observed that it is one of the great ironies of protest or of demonstration that those that would use a protest or a demonstration to protest or demonstrate against violence or abuse would themselves use violence or abuse as a method of protesting against that to which they apparently or allegedly object. My hope, of course, is that those that come to demonstrate or protest against human rights abuses or violence or abuse of people within China of any sort will not themselves fall into the same behaviours to which they object.

Motor vehicles—theft

MR GENTLEMAN: My question is to the Attorney-General. Can the minister advise the Assembly of recent developments in the government's efforts to reduce motor vehicle theft in Canberra?

MR CORBELL: Thank you, Mr Speaker. Today I was very pleased to be joined by Mr Gentleman, and I thank him therefore for the question, to unveil a number of new motorcycle anchor points installed in Woden as part of the ACT government's motor vehicle and motorcycle crime prevention pilot project.

Mrs Dunne: Mr Speaker, I raise a point of order. Mr Gentleman asked a question about this earlier this year or late last year. What Mr Corbell is about to announce is the unveiling of something that was already announced. There have been no further developments.

MR SPEAKER: I think it is a reasonable question.

Mrs Dunne: The words of Mr Gentleman's question are so like the one that he asked before as to be almost identical.

MR SPEAKER: It seems to me to be a reasonable question. It is entirely appropriate for the minister to answer it. Start the clock, please.

MR CORBELL: I think Mrs Dunne is still smarting, Mr Speaker. I was very pleased to join with Mr Gentleman today to unveil a new parking facility for motorcyclists in Canberra at Woden as part of the ACT government's motorcycle crime prevention pilot project. Again, I am very disappointed that those opposite just are not interested in issues that affect motorcyclists and the need to improve the safety and security of parking arrangements for motorcyclists—a growing part of our community.

These new anchor points will provide motorcyclists with the opportunity to lock their bikes to the new railings with a chain or other device. The Woden area, where I unveiled these new parking arrangements today, has been identified as a high-risk area for motorcycle theft. Initially it was an example of an innovative and tailor-made crime fighting strategy taken by the government. Of course, members would recall that the government announced last year the provision of $35,000 to provide for improved motorcycle security in public car parks. Today was the opening of the first of those facilities.

The problem that is being addressed here is that about 100 registered and 30 unregistered motorcycles are stolen in the ACT every year, and around 30 of those are stolen from public car parks. Nationally, as we see motor vehicle theft decline, we are seeing motorcycle theft increase. This, of course, is driven by the increasing popularity of motorcycling as a transport choice for financial reasons, as well as for environmental reasons.

This project, I am very pleased to say, is a great example of community collaboration between citizens and the government in addressing and fighting crime. The

Motorcycle Riders Association of the ACT undertook extensive work in identifying and documenting a number of public motorcycle car parks throughout Canberra to trial the use of these new anchor points. Three sites in Woden are in the process of being completed in response to a number of motorcycle thefts in that area over the past 12 months. The project has been developed in partnership, as I said, with the Motorcycle Riders Association, ACT Policing, the Motor Trades Association of ACT, the Department of Justice and Community Safety, the Department of Territory and Municipal Services and, indeed, with the endorsement of the National Motor Vehicle Theft Reduction Council.

This shows that we can take very innovative approaches when it comes to addressing crime, and particularly theft of motorcycles. The initiative is being watched with some interest by other jurisdictions. We are the first jurisdiction in the country to provide this type of facility for motorcyclists. We will be observing the results of the trial carefully to see whether it does have an impact on the overall level of motorcycle theft in the locations where these anchor points are being provided. I know that many other jurisdictions, including many local governments, are looking closely at the provision of these types of facilities, as is indeed the National Motor Vehicle Theft Reduction Council.

Can I thank in particular the Motorcycle Riders Association for their strong interest and advocacy in this proposal—they have been instrumental—particularly Mr Peter Major, for his efforts in identifying and working with Territory and Municipal Services and Justice and Community Safety in putting together this initiative. I was very pleased to see the first site open on Furzer Street this afternoon. I am looking forward to seeing the other ones opening up on the other side of Woden close to Callam Street, as well as here in the city on Constitution Avenue and, indeed, in the car parks close to the Legislative Assembly.

I commend the initiative to members. If they have the opportunity when they are out and about in Woden, they should have a look and see what is being provided. I think everyone will agree that it is a great improvement on the previous facilities available for motorcyclists here in Canberra.

Insurance—motor vehicle accidents

MR STEFANIAK: Treasurer, you are aware of a particular motor vehicle accident that occurred on Barry Drive in January this year. Indeed, I wrote to you and the Attorney-General about this case and indicated to you that I would be following it up and asking you a question about it. The elderly male driver suffered a heart attack and died. With his foot still on the accelerator, in order to avoid any further tragedy, his 70-year-old wife, Shirley, bravely took the steering wheel and manoeuvred the vehicle across two lanes of traffic to avoid other vehicles and to get it off the road. Tragically, the vehicle struck a tree, and Shirley suffered extensive injuries. Attending police said Shirley should get a medal for her actions.

She approached the NRMA, and that resulted in advice that she would not be eligible for third party compensation as the incident was a "blameless accident". In the meantime, Shirley continues to suffer from her injuries and the financial cost of

medical treatment. New South Wales changed its third party compensation law on 1 October last year to specifically provide compensation eligibility in blameless accidents. Indeed, had this accident occurred in New South Wales, Shirley would be eligible. Treasurer, what is your government doing to review the ACT's third party compensation laws to bring them into line with New South Wales, and when will this occur?

MR STANHOPE: I thank Mr Stefaniak, and I acknowledge that Mr Stefaniak did tell me that he would be asking a question on this issue today. Mr Stefaniak, I am very aware of the issues facing this particular constituent. Of course, I am very sympathetic to her particular circumstances and have enormous sympathy for the injury and pain that she has suffered in addition to her loss.

This is a difficult area of the law. I have taken some advice as a result of your indication to me that you would ask about the issue today. I am advised, as you indicated, that the issue at the heart of the NRMA's consideration of this matter—that is, the insurer—is that, quite simply, the ACT has a fault-based insurance or CTP scheme. Payment of any claim under the ACT CTP arrangements depends on the establishment of fault. The law, of course, has long settled on a definition of "fault" in relation most particularly to motor vehicle accidents, and there is a prima facie issue around fault in relation to this particular case.

In this case, however, I am advised today that the provisions in the current New South Wales legislation would, in fact, not have produced a different result or outcome, and the law in relation to the controlling of a vehicle and the words determining fault are exactly the same in both New South Wales and the ACT. The provisions to which you refer are only designed to apply if the victim has no control over the vehicle.

I am also advised that the New South Wales provisions must be read in conjunction with additional new provisions that permit victims of blameless accidents—this is the aspect of the New South Wales legislation that I believe Mr Stefaniak may be referring to—to receive benefits under the new lifetime care—

Mr Stefaniak: I sent you a copy of it—page 6.

MR STANHOPE: Yes, so they are different from the CTP arrangements. There are arrangements that have been entered into in New South Wales that permit victims of blameless accidents to receive benefits under a new lifetime care, no-fault scheme for catastrophically injured motor accident victims. The provisions that Mr Stefaniak has raised are part of the new mechanism that facilitates claims by catastrophically injured children and adults who would otherwise not be able to access the new no-fault scheme.

I am also advised today that the NRMA, having been contacted by Treasury as a result of Mr Stefaniak's indication to me that he would ask about this matter today, has advised ACT Treasury today that it has not refused to pay out the claim in this matter but, rather, due to the complexities that have been raised by the case, most particularly as a result of the fact that the ACT has a fault-based scheme, that the NRMA has, indeed, suggested to the potential claimant that the matter should be agitated with them through a solicitor, if the claimant was able.

Mr Stefaniak: It has been.

MR STANHOPE: It has not been agitated yet. I understand that there are now discussions between the solicitor retained by the potential claimant, and I am advised—I am going on advice I received today—that the NRMA is now in discussions with the claimant through her solicitors. In that particular circumstance, it would be appropriate for the ACT government to await the outcome of discussions which the Treasury has been advised today are now being pursued by the NRMA with the claimant through her solicitor before the ACT government actually fixes on any potential or future way forward in relation to this matter.

MR STEFANIAK: Thank you, Chief Minister. Before I ask my supplementary, I am advised that there certainly have been discussions between the NRMA and Shirley and legal advisers. Nothing whatsoever is advancing there. I ask you, and it might be relevant also to the Attorney-General in terms of ex gratia payments: in the meantime, are there any other steps that you can take or will take to alleviate the suffering and financial burden that this courageous lady and possibly others in our community are enduring in matters of this nature? Her courageous actions potentially saved other lives. It seems to me to be a one-off. It seems to be something where she should not have to bear the financial cost of her injuries.

MR STANHOPE: Cases of this nature, of course, present particular difficulties to governments. The ACT operates a fault-based CTP scheme. At this stage, we do not anticipate or propose to move away from that scheme. To the extent that this matter is currently being negotiated or agitated between the claimant, through her solicitor, and the NRMA, the insurance company, it would be pre-emptive in the extreme for me—

Mrs Dunne: You could come to an agreement with a 70-year-old widow.

MR STANHOPE: This is quite remarkable. Mrs Dunne interjects that the claim should be settled forthwith.

MR SPEAKER: Take no notice.

MR STANHOPE: It is a remarkable position for anybody to put in relation to an insurance claim. I am advised today, in good faith, the NRMA is negotiating with the claimant's solicitor. The Liberal Party interject, "Just settle it. Do not worry about that." What attitude is this to adopt in relation to the broad sweep of claims that are made by individuals on insurance companies on any day of the week? The ACT government should intercede before any insurance claim is brought to finality?

I am advised today, in good faith, by the Treasury that the NRMA is negotiating in good faith with the claimant's solicitor. I would have thought the appropriate thing for the government to do would be to allow those negotiations to run their course and, if the matter is not settled by the insurer, then of course the ACT would give sympathetic consideration to any case that might be put in that circumstance.

But at this stage it would be remarkable to suggest that the government should intervene in an insurance matter that is currently being negotiated in good faith. As

much as we might sympathise with any particular claimant on any particular issue, the government cannot, particularly on the basis of the fault-based scheme, intercede or intervene in a matter that is still being negotiated by the insurer.

Canberra Hospital—complaint processes

MRS BURKE: My question is to the Minister for Health. Minister, a woman recently filed a complaint in regard to the treatment and care of her mother during a stay at the Canberra Hospital. She was told by the complaints supervisor that "there are very clear and obvious systems in place to make a complaint". Despite being advised that the complaint would be dealt with by the Health Services Commissioner, the woman was then advised that this would not be the case and that instead the Canberra Hospital would be responding. However, a couple of days later the woman received advice that Canberra Hospital "would not be investigating as the Health Minister is investigating". Minister, is this what you would accept as a very clear and obvious system for complaints?

MS GALLAGHER: I think I am aware of the case. It is true that there are a variety of mechanisms by which a person can make a complaint about the health system. They can go to the health complaints commissioner; they can go to the Canberra Hospital; and on occasion they do come to me. And they can go to all three. The advice in this case around the Canberra Hospital was probably that I had asked the Canberra Hospital to provide me with advice because, as I understand it, in this case a complaint had also come to me and I would be formally responding to the complainant based on advice from the Canberra Hospital.

Having said that, I should say that there is certainly room for improvement in relation to complaints management in the hospital itself. The health complaints commissioner is a separate matter; it is an independent statutory office. Putting that aside, in terms of providing patients with information about how to proceed with their complaint, I think we can do that better. I think we can provide more information to people. And in relation to that day-to-day interface with patients in the system and how the hospital responds, if there are complaints raised while people are in the hospital or they have just left, I think improvements can be made. Over a number of months I have had a number of discussions with ACT Health over this—about making sure that people are aware of the processes and that the processes are responsive.

It is one of those difficulties when you are looking at how you meet demand in the health system—to provide the services you need to provide but in addition deal with what seem to be demands for, in a way, communication improvements. That seems to be central to a lot of the complaints that come to my office—lack of communication, lack of understanding or not being sure about where to go. All of those are very easy things to resolve if the communication is there. As I have said, I have spoken to ACT Health about looking at ways that we can improve that.

In relation to this complaint and the issue that Mrs Burke raised, I believe, rather than the hospital responding before I have had the opportunity to respond, that that is the reason why it has occurred in this situation. That is not to say that the hospital is not investigating it. They are; they are doing so at my request so that I can respond directly to the complainant.

MR SPEAKER: Is there a supplementary question?

MRS BURKE: Thank you, Mr Speaker. I thank the minister for the answer. Given that she is aware of the case, could the minister please explain to the Assembly exactly what complaints process this woman should follow?

MS GALLAGHER: As I said, there are a number of complaints processes that can be followed. People can choose all three or they can choose one. We do not tell people what they can or cannot do. Normally, the brochure that is given in the hospital around complaints processes is about a management within the hospital, with a contact for the Health Complaints Commissioner. If people come to me, and they do from time to time—as people do when they are commending the performance of the hospital as well, and commending the treatment at the hospital; those come to me as well—then I respond directly. So there is no right or wrong way to complain. People have a variety of avenues available to them, and people can choose which one they choose to take. In this case I understand a number of approaches have been made. In terms of whether the hospital or I respond, I am asking that I get that information and respond to her directly.

Tidbinbilla nature reserve

MS PORTER: My question is to the Minister for the Environment, Water and Climate Change. Minister, what is the government doing to encourage the use of Tidbinbilla nature reserve?

MR STANHOPE: I thank Ms Porter for the question. I am very pleased to be able to inform the Assembly that tomorrow I will be opening the sanctuary, the restored wildlife area within Tidbinbilla. As members are very aware, Tidbinbilla valley and nature reserve is a very significant site within the ACT, a site that has experienced more than 20,000 years of Indigenous and European heritage. It is a nature reserve that has a very significant place in the hearts of almost all Canberrans and many visitors to the ACT.

We are committed to protecting that cultural heritage while, of course, continuing to seek to conserve the biodiversity and to provide a wide range of recreational opportunities for the people of the ACT and the region. We have been working consistently since the 2003 bushfires to reinstate the infrastructure, the facilities and the opportunities that previously existed in Tidbinbilla.

The new sanctuary, which I will focus on briefly today, has been restored or rebuilt at a cost of somewhere in the order of $7 million. It now includes a completely new set of redesigned, reconstructed and constituted dams or water systems. A two-kilometre system of paths has been prepared that is accessible for prams, the elderly and the disabled. The paths wind their way through newly constructed wetlands and link a series of features that I think all visitors will truly enjoy.

The sanctuary is surrounded by a two-metre-high predator-proof fence, designed to keep feral animals out and to allow the native animals that live there to live safely in

their original natural habitat. The sanctuary currently boasts a selection of wildlife, including wallaroos, brolgas, peron's tree fogs, golden bell frogs, hardhead ducks, blue-tongue lizards, water dragons and many other animals and birds.

There are enormous opportunities for recreation and for picnicking within the sanctuary and within the region. Walking trails and hiking tracks have been rebuilt. The sanctuary will continue as a major site for the recovery work involving the Victorian brush-tailed wallaby and the northern corroboree frog breeding program, as well as a significant macropod fertility trial that is currently being conducted at Tidbinbilla.

I am very pleased that Conservation Volunteers Australia have entered into a partnership with TAMS to support people who visit the reserve. Indeed, just last week 33 people successfully completed the Conservation Volunteers Australia volunteer interpreter training program and will be involved very fundamentally in the new sanctuary at Tidbinbilla.

I am very pleased with the progress that has been achieved. There is still much recovery to occur at Tidbinbilla, but the opening of the sanctuary five years after the fire really does reopen a much loved part of the Tidbinbilla valley, and I encourage all members, and indeed all Canberrans, to visit, and hopefully to enjoy, the Tidbinbilla valley and the sanctuary.

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

Indigenous education performance report
Paper and statement by minister

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

> Indigenous Education—Performance in Indigenous Education—Annual report 2007.

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

Leave granted.

MR BARR: I am pleased to present to the Assembly the 2007 annual report entitled *Performance in Indigenous education*. This report is presented against the five domains of the Ministerial Council on Education, Employment, Training and Youth Affairs report entitled *Australian directions in Indigenous education*. It also encapsulates the key indicators identified by the Council of Australian Governments and articulated in the report entitled *Overcoming Indigenous disadvantage: key indicators 2007*. The report also refers to the Department of Education and Training's strategic goals.

The Stanhope government is committed to ensuring that all young Canberrans continue to have access to world-class education. We are also committed to closing

the learning gap between Indigenous students and non-Indigenous students. That is why this government is investing an extra $3.3 million specifically to improve Indigenous education outcomes. That is why in 2007 we saw continued implementation of a number of budget initiatives, which included the Koori preschool program operating across five sites across the city and targeted support to year 4 Indigenous students who were in the lowest 20 per cent in the year 3 ACTAP results.

Mr Speaker, 2007 also saw the number of Indigenous students enrolled in preschool education increase from 79 students to 102. The year saw the introduction of a new model placing Indigenous home school liaison officers in high schools and supporting all schools in one or more clusters. During the year schools also provided more opportunities to engage families of students by conducting events to recognise National Reconciliation Week and NAIDOC Week at the local level.

The report released by the Ministerial Council on Education, Employment, Training and Youth Affairs in 2006 provided systemic recommendations that seek to accelerate the pace of change by engaging Indigenous children and young people in their learning. As the report I am presenting today shows, the ACT government's Koori preschool program has provided greater opportunities for Indigenous children and their families to participate in early childhood learning and development programs. Teachers and support staff in the Koori preschool programs contributed to the development of Indigenous perspectives for some of the essential learning achievements that are in the new ACT curriculum framework. With the implementation of the new framework, schools are now better able to provide a curriculum that is more culturally aware and that provides Indigenous and non-Indigenous students with opportunities to learn more about the culture and history of the first Australians.

In the progress report for 2007, I reported that the department was continuing to explore different ways to deliver support to Indigenous students in year 4, as well as to their teachers, to build on those improvements already achieved. This program will be extended in 2008 to provide support to Indigenous students from kindergarten to year 4.

I am pleased to report that there have been other achievements in other areas of education and training. The number of Indigenous students who completed year 12 with a tertiary entrance score in 2007 exceeded the number for 2005 and 2006. Five of these students achieved a universities admission index of above 65. Additionally, the number of Indigenous people participating in training courses, particularly at certificate III level and above, has also increased over what was reported for previous years.

Due to the commitment of the ACT government to improving outcomes for Indigenous students, the ACT is a leader in Indigenous education. However, as I indicated earlier, the challenge for us is to eliminate the gap between the outcomes for Indigenous and non-Indigenous students at all levels of their education. That is why we are providing ongoing support for literacy and numeracy in the early years of schooling as part of our strategy to address the flagging outcomes experienced in the latter years of schooling by a number of Indigenous students.

A key challenge is to ensure that Indigenous students attend regularly and are engaged with their schooling to make a successful transition to further study or work. The Indigenous home school liaison officers have played an important role in this. However, they cannot achieve this alone. It is the responsibility of the entire education system and the community as a whole. As a community we need to gain a better understanding of how to engage Indigenous students in learning, and we need to ensure that our teachers also have this understanding. Initiatives such as the dare to lead program where schools make a commitment to improving outcomes for Indigenous students are designed to help us gain this better understanding.

The government will continue to work towards the goal of Indigenous students achieving outcomes that are equitable with non-Indigenous students. The foundations we put in place in 2005, the Koori preschool programs and the enhanced literacy and numeracy programs will be continued. Further initiatives funded under the second appropriation of last year will support the delivery of existing or new programs for Indigenous students. The funding will provide for an increase in the number of Indigenous literacy and numeracy teachers who will work with Indigenous students and their teachers from kindergarten to year 4.

A program of professional learning activities for school principals will also be delivered each year, commencing in 2008. The program will focus on topics such as cultural perspectives and effective use of Indigenous role models and will be delivered by key Indigenous and non-Indigenous educators and specialists. Higher-achieving Indigenous students will be supported through high school and college under the Indigenous students aspirations program. This program aims to articulate and facilitate education and career pathways for Indigenous students attending high school and college.

Indigenous education will be further supported in 2008 by the inclusion of a goal in the aspirational documents of every school principal that is specific to learning outcomes for Indigenous students. The Department of Education and Training will support principals to develop their statements. We will continue to work in partnership with the Indigenous community, particularly through the Indigenous Education Consultative Body. Finally, we will continue to support our teachers to enhance their expertise around Indigenous learning.

This report shows the progress we are making in improving educational outcomes for young Indigenous people in the ACT public school system. It shows us that whilst progress is there, we still have a long way to go. This government is determined to continue the work of closing the educational gap between Indigenous and non-Indigenous students using many of the programs that have been outlined in this report. I commend the 2007 annual report, *Performance in Indigenous education*.

Paper

Mr Corbell presented the following paper:

> Planning and Development Act—Planning and Development Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-8, together with its explanatory statement and a regulatory impact statement (LR, 27 March 2008).

Personal explanation

MR PRATT (Brindabella): Mr Speaker, under standing order 46 I seek leave to make a personal explanation, if I may.

MR SPEAKER: Yes, Mr Pratt.

MR PRATT: Thank you, Mr Speaker. It is just a technical matter for the record. Yesterday in this place Mr Barr made a statement about expenditures and planned expenditures. In that particular case there was a statement about light rail. I was in the chair at the time, Mr Speaker, so I gracefully let it all go through to the keeper. Despite the arched eyebrows and sharp intake of breath, I let it go.

For the record, Mr Speaker, I wish to say that at no time have I, in this place or publicly, stated that I or the opposition ought to be spending $900 million on the development of a—

Mr Hargreaves: We had better check through the transcripts.

Mr Barr: We wouldn't want to have misled the Assembly there.

MR PRATT: I have not stated—

MR SPEAKER: Order! Withdraw that, Mr Barr.

Mr Barr: I withdraw that.

MR PRATT: I have not stated in this place that it is the opposition's policy or my policy that we spend $900 million on the development of a light rail system—or any other form of electric vehicle, for that matter. However, Mr Speaker, I have certainly expressed an interest in the concept of light rail. I have indicated on radio and in this place that the concept of light rail is very worth while looking at. I have said that, and I may have also said that spending a little bit of money on analysing the concept would probably be a very, very good idea. So in response to the Barr spray of yesterday, I set the record straight. Thank you, Mr Speaker.

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 order of the day, Assembly business, relating to the establishment of a Select Committee on Estimates 2008-2009 being called on and debated forthwith.

Estimates 2008-2009—Select Committee
Establishment

Debate resumed.

DR FOSKEY (Molonglo) (3.58): Mr Speaker, I wish to speak to the motion to establish an estimates committee and to the amendments to that motion. People will be aware that for the last three years, as the sole crossbench member, I have been a participant in the estimates committee and that I have very happily risen to the work, even though, for a one-member party, it has been quite taxing to cover estimates and all the other work.

So I must say that I welcomed the thought that this year I would be sharing that responsibility, given that there are now two crossbench members, and until I spoke to Mr Mulcahy about this a couple of months ago I had assumed that he would be very happy to take up the offer of being a crossbench representative on this committee.

Now, it should be understood that just because we are both on the crossbench, there is not a crossbench party or anything like that. We are two different people, and we have two different sets of allegiances. So while we would be able to cooperate together to a very large extent in the establishment of private members' business and so on, one would not represent the other if we took up crossbench positions on the estimates committee.

This morning I checked with Mr Mulcahy again as to whether he would take up that position on the estimates committee, and he reiterated his answer that he would prefer not to. I then reconsidered whether I would take up that position, given that there is that position on the committee and it would seem to be required to be filled. But, on deep and considered thought, I have decided not to take up that position on the estimates committee this year.

Mrs Dunne: That is very selfless of you, Deb.

DR FOSKEY: Ha! It is, of course, something I have done for three years in a row and while I will be very, very keen to participate in many of the estimates hearings and will have questions, this year I will not be taking up the kind offer to be on the estimates committee.

I had thought that, given that Mr Mulcahy did such a very thorough job when he was on the estimates committee in 2005, he would be keen to take up that role again, and given his very well acknowledged economic expertise—by the Labor members of this place, anyway; I am not so sure if the Liberal members are quite as supportive of it as they used to be—I am somewhat disappointed that he does not plan to add that to the estimates committee. But that is his call, just as it is my call not to take it up as well. I just let the house know that in case it is necessary to revise the structure of the committee.

MRS BURKE (Molonglo) (4.03): The opposition will not be supporting Mr Corbell's amendments; I will be moving an amendment to Mr Corbell's proposed amendments. I refer members to the amendment circulated in my name, and now move:

> In proposed amendment (2), omit "Government", substitute "non-government".

Our proposal now seems to be somewhat defunct given that the crossbench have decided to exclude themselves from what is, and should be, a very rigorous process of this Assembly. I had intended to move that the chair of the committee—

MR DEPUTY SPEAKER: Mrs Burke, are you still moving or have you finished moving your amendment?

MRS BURKE: I am, Mr Deputy Speaker. I was just waiting on your instructions. As I was saying, in this place we have a long-held convention that it is the opposition party that assumes the role of chair of select committees on estimates. That convention was broken in the last two previous estimates committees—and it may have been longer. Certainly the arrogance of the majority government has been shown very clearly. They have wanted to have complete control and completely hammer this particular select committee, which is a very important one for the community.

I am very surprised—very surprised—that we will have no crossbench member on this committee. But it does show the level of work commitment, I suppose, and work ethic. You can see it now, Mr Deputy Speaker. You will see them racing down with a little question, eager to get that question in, and then racing off to do the media release. It just shows the laziness and the lack of input that certain members of this place can have. They just fly in, do a little bit and fly out.

That is disappointing. We are a small unicameral parliament, and we depend upon our committee process for rigour. I share Dr Foskey's frustration and sadness that we are not going to see the former shadow Treasurer, who often boasted about his wonderful knowledge of figures, holding the government to account. It makes one wonder exactly what his work is about these days.

The same motion was moved last year as our leader, Mr Seselja, moved today and we had exactly the same debate. The government refuses to concede that it should be an open and accountable process. They are saying, "We will not give you the chair. We will have complete control. We will take over and the chair will control everything, all of the proceedings." It is disappointing.

I know that my amendment will not get up, but I wanted to move it as a sign that we are inclusive. The government is not, of course. It is quite disappointing that that long-held convention of this place once again is going to be pushed into oblivion by this very arrogant and very determined government. At the moment they have the numbers, but come 19 October it may be a different story. It is very disappointing to see that the government is not moving on this at all.

Last year Ms MacDonald said:

> In every other parliament in this country where there is a majority government, the government holds the position of chair of the estimates committee.

Does that mean that this government has to be herded like sheep and do what everybody else does? We should be able to stand differently. As a unicameral

parliament we should be able to act and operate differently, working on the conventions of the past 15, 16, 17 and 18 years in this place. But that has now gone out the window. The government will get this through on the numbers, and I think that is quite a disappointing reflection on this government. They do not really want the accountability and the openness and the scrutiny. They do not really want that.

As has already been said by one of my colleagues, if the budget is going to be so wonderful, then, why oh why not let an opposition member—I thought was going to be a crossbench member—be the chair? Why not be held accountable to that open scrutiny if you are not afraid of having things revealed that you do not want to be revealed? So it is a disappointing day, yet again, but I stand by my amendment and I ask the government to reconsider. It is not too late. I propose that the opposition assume the chair of the select committee on estimates.

MR SESELJA (Molonglo—Leader of the Opposition) (4.09): I will be supporting Mrs Burke's amendment. It is unfortunate that we are again having a debate where the government looks to dominate this committee once more.

This government did come in on a promise to be open, transparent and accountable. We have seen over the last 6½ years that that has become less and less the case, and no more so now than when we see them stacking the estimates committee again. Instead of going for a reasonable spread, they are determined to go for three members and to hold the chair.

Mrs Burke's amendment is really our coming some of the way and saying that it would be better if we had two opposition, two government and one crossbench. It appears we are not even going to get one crossbench, which is interesting to say the least, given the attitude of the crossbench to holding the government accountable. On the most important aspect of what the government does, the delivery of its budget, the scrutiny of its budget, we have a crossbench apparently that is not interested in actually asking them questions. We have a crossbench that seems more intent on criticising the opposition than criticising the government. I am sure that their constituents would take great note of that.

But moving on from that, what this is about is actually coming some of the way and saying that, if you are going to stack it, the chair of these committees is actually important. It actually is important in accountability. A chair that is inherently friendly to the government is more likely to direct traffic in a way that is friendly to ministers. And we have seen that. We have seen that with some of the outrageous, lengthy answers from certain ministers. We have seen it with some of the absolutely outrageous statements of certain ministers, particularly Mr Hargreaves. Having a chair that is not there to do the government's bidding would actually help avoid that scenario.

We think, with Mrs Burke's amendment, this would not be the ideal scenario but is our coming some of the way and we would ask the government to come some of the way and say, "Let us actually try to get a little bit of balance in this committee. Let us not have a committee that is simply going to do as it is told by the ministry. We want a committee that genuinely looks to scrutinise this budget."

As I say again, if I have misunderstood, if the crossbench are now going to actually come on the committee, I would welcome them. But if there are not going to be crossbench members we may need other amendments that would take account of that. But I certainly support Mrs Burke's amendment.

It is disappointing that this government unfortunately does not want to be scrutinised and continues to demonstrate that. It demonstrates that most particularly with the functional review, which again we see Mr Stanhope is refusing to give to the public accounts committee. This has been their attitude to scrutiny. They are afraid to release the document that most clearly has shaped their budgets over the past couple of years. Of course we know they are afraid to release it because the assumptions do not stack up.

This amendment would be better than nothing. I support Mrs Burke's amendment to Mr Corbell's amendments. Mr Corbell's amendments unfortunately follow the pattern of this government over the past few years where it has sought to shut down scrutiny; it has sought to shut down debate; and it has sought to do that by simply putting government backbenchers on the committee to do the government's bidding, to do the ministry's bidding. And that is not good for accountability and that is not good for democracy. That is why we oppose his amendments.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (4.13): I am speaking to Mrs Burke's amendment. The government will not be supporting Mrs Burke's amendment. Of course, the facts do not back up the Liberals' rhetoric on this matter. I will make two very simple and quick points.

The first is that, after a month of public hearings, including questioning of ministers and officials, as well as submissions from the public, the government then permitted 16 hours of debate on last year's budget. There can be no suggestion, on the facts, that there was not sufficient time for scrutiny and debate. I think if any of those opposite went to any member of the community and said, "We got 16 hours of debate on the budget; is that not unfair?" everyone would laugh at them.

The government will not be supporting Mrs Burke's amendment to my amendments. I foreshadow that I will be seeking leave, following the Assembly's consideration of Mrs Burke's amendment, to amend my amendments. I have circulated revised amendments to members. I foreshadow that they deal with the issues that have emerged since the indication by Dr Foskey and Mr Mulcahy that they do not intend to participate in this year's estimates committee as a member of the committee.

MR MULCAHY (Molonglo) (4.15): Despite the gratuitous way in which it was presented, I am going to speak in support of Mrs Burke's amendment. Before the luncheon adjournment I outlined my general view about how this committee should operate and I do not change my view on that, notwithstanding the predictable outcome.

Mr Seselja invited to be corrected if he had misunderstood the situation. I suggest that he did misunderstand the situation. The fact of the matter is—I cannot speak for Dr Foskey—I intend to be quite involved in the estimates process. Mr Corbell, I think,

has clearly understood the difference, but it is not my intention to serve as a member of that committee.

I have explained before my observation about committees in this place and what has happened with these reports which seem to basically end up in the bin. I do not think the system is working under majority government but I do not have a solution in terms of going forward on what should change. I think it is still desirable to have a non-government member chair this committee and the public accounts committee, particularly, of the Assembly. But that is not to be the case and that is the direction that this government chooses to go.

I certainly will be expecting to have the opportunity to raise questions, as I have in the past several years, and I am assuming from the nod of agreement there that Dr Foskey has exactly the same plan. But I do not intend to devote my hours to writing a long dissertation that will be dismissed and disregarded because the government will use their majority.

I also hope that we do have a long debate. I screamed loudly about the guillotining of the debate last year but I must acknowledge that some research that the Clerk did indicated that it was, I believe, the longest or the second-longest budget debate in the history of self-government. It was complicated, as someone in the government ranks incisively noted, because we had a shadow shadow Treasurer who felt he had to speak on every issue until the party room toned him down.

Everything went on for much longer than it might normally, where you would have the shadow Treasurer responding, crossbench people periodically and the relevant shadow minister also responding. But that was not good enough, of course, and that is why things blew out. Anyway, I am speaking in support of the amendment because I think the principle enshrined there is an appropriate one.

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

> That the question be now put.

The Assembly voted—

Ayes 10		Noes 7	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Mr Corbell	Mr Mulcahy	Dr Foskey	
Ms Gallagher	Ms Porter	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

Amendment (**Mrs Burke's**) negatived.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (4.21): I seek leave to withdraw my amendments and replace them with the amendments I have circulated.

Leave granted.

MR CORBELL: I move:

> (1) in paragraph (2)(a), omit 'two', substitute 'three';
>
> (2) omit paragraph (2)(c); and
>
> (3) in paragraph (2), omit '4 p.m.', substitute 'the adjournment of the Assembly.'.".

As I indicated to members in the debate earlier, these amendments simply provide that there will be three government members and two opposition members of the committee. Secondly, they omit the references to crossbench members, due to their indication that they do not wish to participate as members of the committee in the estimates process. Thirdly, they require government and opposition to notify you, Mr Speaker, of their proposed members by the adjournment of the Assembly today, given that the original time of 4.00 pm has elapsed. I commend the amendments to members.

DR FOSKEY (Molonglo) (4.22): I want to speak briefly on this because I have not yet voiced my opposition to the style of representation that we are seeing in these amendments to the motion. I just want to indicate that I also do believe that we need to have an estimates committee that is much more robust. I suppose, in a sense, I would have to say that the non-participation of at least myself is to some extent due to the fact that the report, as it would be written, would be one that favours the government and one would find oneself writing a dissenting report or making additional remarks once again. I think that, no matter whatever one thinks, it has been a good principle and is a good principle for the committee of scrutiny to be headed by someone who is not in the government.

MR SMYTH (Brindabella) (4.24): It is interesting to reflect on the Stanhope government's code of good governance published on 14 March 2001.

Mrs Dunne: That was a long time ago, Mr Smyth.

MR SMYTH: It is a long time ago, Mrs Dunne. But one of the promises is that the Stanhope government will ensure that the Legislative Assembly is able to provide the appropriate scrutiny of the government of the day. What Mr Corbell's amendments do is provide for government control of that scrutiny. Let us face it; that is what this is about.

It is certainly not appropriate for the government to control the scrutiny of its own budget. I do not think anyone would see that as being equivalent to one of Labor's core values which also appear in their code of good governance, which refers to fairness, openness and responsibility. In terms of fairness, fail; in terms of openness, fail; in terms of responsibility, fail.

What it does mean now is that the estimates committee will simply be a rubber stamp of the government. And that is the dilemma that we face today. It seems a dilemma

that those across the chamber are not concerned about. It is sad that we now have a position where, firstly, the crossbenchers have abrogated the responsibility of being part of the entire estimates process by simply saying, "We do not intend to participate as members of the committee. We will make cameo roles. We will appear. We will write the press releases and zip on down, but we are not prepared to do the hard work."

The interesting thing is that the Stanhope opposition were very critical of the committee system under the previous Liberal government but they are now going such a long way in the other direction to what they promised that I think the hypocrisy will be noticed by all. If they have any integrity left in regard to their code of good governance and they want to ensure that the Legislative Assembly is able to provide the appropriate scrutiny of the government of the day, they will withdraw this amendment, because all it means is that they will have the chair—and we all know the chair controls the resources and the writing of the report—and they will have the numbers to put whatever they want in the report. And that is not the tradition that has been established in this place over a long time, particularly in the committee system.

The committee system in this place used to be one of the gems of this place. Certainly, in the first term I was here, from 1998 to 2001, the committees always operated in a bipartisan way, where they could, and the number of dissenting reports was relatively small in comparison to what we are seeing now under majority government. I think there is a lesson in that for all of us. If the government are sure that their budget is accurate, if the government are sure that the underlying principles that form their budget are correct, if the government are sure that their budget will deliver what they say it will, then they should not be afraid to face the appropriate scrutiny which they guarantee in their code of good governance. What one can only read into that is that they do not believe appropriate scrutiny is what they want of their budget because their budget will not stand that scrutiny.

Mr Corbell said the last debate was 16 hours and, gee, that was a long time and that it was perhaps the longest—if not the second-longest—debate that we have ever had on the budget. It was the biggest budget we have ever had—the biggest budget, by a long shot, almost $3.2 billion. For 16 hours, that is only about $200 million an hour that we were passing and is about $3.5 million a minute.

I think that level of expenditure is worthy of scrutiny; it is worthy of the debate. It is a shame that the government seem to believe that it is not. If they are not willing to stand up and defend their budget in this way and if they are not willing to face scrutiny in this way, one can only draw the conclusion that their budget will not withstand the scrutiny.

We know from the 2006-07 budget that the foundation of that budget, the functional review into the public service in the ACT and the provision of service in the ACT, has never been released. And you can only assume from that that it would not bear the scrutiny of daylight. I think there are a number of examples.

There is an abridged version of it in the *Way forward* document. So many of the numbers in the *Way forward* document have been called into doubt by various

independent groups and bodies that you have to look at the whole document and say, "In that regard, then, clearly the budget was based on some false premises." And we were unable to get that document because the government had concluded that it needed to protect itself and that it needed to protect its budget by stacking the numbers and by stacking the chair.

That is the problem with this. That is not appropriate governance and is not appropriate scrutiny provided to the Assembly. This Assembly has the obligation from the people that elected all of us to scrutinise what the executive of the day does. It is very, very important that we get this right. You can see the effect of the government using its majority to stack the committee, in terms of numbers and taking the chair, in the performance of the last two or three estimates committees, where the standard of answers from ministers has gone down. Certainly in the last two estimates hearings, Mr Hargreaves in particular has been singled out by his actions because the two committee chairs of the day were unable to control him.

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

> That the Member be no longer be heard.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

Question so resolved in the affirmative.

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

> That the question be now put.

Mr Smyth: You coward.

Mrs Dunne: You are an absolute coward.

MR SPEAKER: Withdraw that. I am not going to have name calling across the chamber, Mrs Dunne.

Mrs Dunne: I withdraw that, Mr Speaker.

MR SPEAKER: Members, I have just taken some advice from the clerk in relation to the question that the member be no longer be heard. That motion ought to have been dealt with by leave and it was not. Therefore, it is out of order. The question before the house now is that the question be now put.

Mr Smyth: On a point of order, Mr Speaker: if it was put incorrectly and therefore is out of order, surely the clock has to be restored to five minutes and I will finish my speech.

MR SPEAKER: There is a motion before the house that the question be put.

Mr Smyth: If the other motion was incorrect, then surely we revert to—

MR SPEAKER: What I am saying here, Mr Smyth, is that the motion previously carried has no standing but the motion before the house now has standing. The motion before the house now is that the question be now put.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

Question so resolved in the affirmative.

Question put:

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

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

Question so resolved in the affirmative.

Amendments agreed to.

MR SESELJA (Molonglo—Leader of the Opposition): Mr Speaker, I seek leave to move the amendment circulated in my name.

Leave not granted.

Standing orders—suspension

MR SESELJA (Molonglo—Leader of the Opposition) (4.43): Mr Speaker, I move:

> That so much of the standing orders be suspended as would prevent Mr Seselja from moving an amendment.

I am not quite sure why the government does not want to debate this substantive amendment that has been circulated. It is different. This has been a moving feast this afternoon. The crossbench have gotten up—

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

> That the question be now put.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

Question so resolved in the affirmative.

Question put:

> That the standing orders be suspended.

The Assembly voted—

Ayes 8		Noes 9	
Mrs Burke	Mr Seselja	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Gentleman	

Question so resolved in the negative.

MR SPEAKER: The question now is that the motion, as amended, be agreed to.

MR SESELJA (Molonglo—Leader of the Opposition) (4.51): The opposition is particularly disappointed that this motion will now see the government have a clear majority on this committee. What we have seen today is that the government, as we would have expected, do not want to be scrutinised, and the crossbench have made it clear that they do not want to scrutinise them. The combination of the two means that we will have a committee that is even more dominated by the government than we would have envisaged—in fact, even more dominated by the government than what the government had envisaged when they first put their amendments around this morning.

So the crossbenchers pulled out, the government moved their amendments but did not allow us to move our amendments. If the crossbench did not want a spot on the estimates committee, we certainly would have been happy to have made the numbers three-three, which would have been a better outcome. But, as it is, the crossbench combining with the government will now see the government have three out of five members on the estimates committee.

It is worth considering what the estimates process is about. The estimates process is about scrutiny of the budget. There are two results from what we have seen this afternoon. One is that the budget will not be scrutinised as closely as it should be, because the government will be able to do what it likes on this committee. It will not only have the chair; it will also have a clear majority on the committee. So every resolution that goes through the estimates committee, every resolution in the report, will be one that the government approves of. It will be handed down by the ministers to the backbench and that is what will be reflected in the final committee report. That is a very disappointing outcome.

The other outcome of today is that we have seen that the crossbench have no interest in being a genuine part of the scrutiny process of the budget. They are going to have to tell their constituents why they do not think it is worth being part of this scrutiny process. With the most important scrutiny process of the year, Mr Mulcahy and Dr Foskey have decided that they could not be stuffed to be a part of it. They would prefer to do other things rather than their job of keeping the government accountable.

As we approach the next election and we see people faced with a choice, we will be hearing the arguments from the crossbenchers as to why there should be a bigger crossbench representation. The biggest argument against that has come today, when we see that it is only the opposition that are prepared to take it to the government. We are the alternative government; we are the ones who will keep this government accountable. The crossbench have demonstrated that they have no interest in doing so.

Let it be known to the electors as we approach the election that this is a crossbench that are not interested in taking it to the government; they are not capable, interested or enthusiastic enough to do the work of opposition and the crossbench, which is to keep the government accountable. That is the job of this committee. That is why in my motion we allocated a spot to the crossbench. We believe they should be represented. But, given that they have decided they do not want to be, we believe that it would be reasonable—and the government should reconsider this—for the opposition to take that extra spot.

It would be the same split. The government would still have three members and they would still have the committee chair and be able to block adverse votes, but it would mean that they would not have the complete domination of the committee which they are going to have. It must be said that the only reason they are going to have complete domination of this committee is that the crossbench have allowed them to. The crossbench, Mr Mulcahy and Dr Foskey, had the opportunity to be on this committee, and both of them have declined.

We are very disappointed with the outcome of this. Three members out of five from the government is not a good outcome. It is worth going back to what the Labor Party said prior to the 2001 election. In fact, Mr Smyth has touched on some of it:

> Good government has the courage to allow itself to be closely scrutinised.

One of their specific commitments in government was to expand the estimates process.

Mr Smyth: It will do what?

MR SESELJA: It was to expand the estimates process. One of the key promises of this government in their open, transparent and accountable policy was to expand the estimates process. We see now, with the assistance of the crossbench, that they will make this budget the least accountable and the least scrutinised that there has been, certainly in the time I have been in the chamber. We will have three Labor members, doing as they are told by their ministers, allowing ministers the kind of disgraceful behaviour that we have seen from them—allowing them to filibuster in their answers to questions and to avoid scrutiny—and asking them dorothy dixer after dorothy dixer in the process. That is what we are going to be treated to. In fact, there will be no way of stopping that now because we will have Mr Gentleman, Ms Porter, and Ms MacDonald there, who will do as they are told by the government. The government do not even have the decency to have—they cannot even put themselves to the scrutiny of—three opposition members.

It must be said that the government were assisted very much in this by the crossbench. The government were prepared to countenance the idea of two opposition members and one crossbencher but, having had that opportunity taken away, they should have allowed us to move our amendment, and supported that amendment, to even the numbers up a little bit. As it is, this will be the worst estimates process, in terms of the ability of the committee and of the opposition to scrutinise the budget, ever seen.

This is a disappointing outcome but it is particularly noteworthy for the fact that the government do not want to be scrutinised and the crossbench have demonstrated that they want to assist the government and will not scrutinise the government. Mr Speaker, we will not be supporting the amended motion.

MR MULCAHY (Molonglo): I seek leave to move a further amendment.

Leave not granted.

Standing orders—suspension

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

> That so much of the standing orders be suspended as would prevent Mr Mulcahy from moving an amendment.

The Assembly voted—

Ayes 8		Noes 9	
Mrs Burke	Mr Seselja	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Gentleman	

Question so resolved in the negative.

Question put:

> That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	
Mr Gentleman		Mr Pratt	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Standing orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.05): Mr Speaker, I move:

> That so much of the standing orders be suspended as would prevent order of the day No 1, Executive business, relating to the Water Resources (Validation of Fees) Bill 2008 and the presentation of Report No 6 of the Standing Committee on Education, Training and Young People, being called on forthwith.

MR SMYTH (Brindabella) (5.05): Mr Speaker, there is clearly a routine set out in the standing orders that was in fact validated by this place in the March sittings when we adopted the new standing orders. The routine of the house, as outlined in the notice paper, is questions without notice, presentation of papers and the discussion of a matter of public importance. The winner of the lottery for the MPI today, the issue of homeless in the ACT, is a very important issue and I believe we should be bringing it on. If the government, through their stupidity and their calling of the gag on votes and on members, have wasted about 40 minutes, that is the government's problem and the house should be allowed to continue with its business. If the government are not interested in the issue of homelessness, that is their problem; they do not have to speak to the MPI.

We have a process. The process is that the MPI comes on next and I would suggest that that is what we move to now, Mr Speaker. The government have brought this on themselves because they have ruined the day through their attempts to gain control of the estimates committee. That is their will. But, if they want to do that, it does not mean that we have to go along with it. I think it is very important that we stick with the routine as laid out. A lot of effort on this side of the house has gone into putting speeches together for the MPI and I think it is relevant at this stage to go straight to the MPI.

If the government want to work, we are quite happy to work tonight. We can do the whole paper if they want. But this government have proven themselves not capable of or not interested in doing a full day's work. I am quite happy to come back tonight; I am sure other members here are. There are important bills on the paper. If the government are going to pick and choose what they want to do, that is their prerogative, but it does not mean that we have to go along with it. Mr Speaker, we will be opposing the suspension of standing orders.

MR SESELJA (Molonglo—Leader of the Opposition) (5.07): I just wanted to add one thing: the reason we did not bring on the MPI straight after question time was because, as I was coming to question time, Mr Corbell asked me if we could push the MPI back and bring forward the motion in relation to the estimates committee. I agreed to that. That was what we agreed to, and Mr Corbell has gone back on what he has agreed to. He made a request of us; we agreed to it; we had the debate, and now MPIs should be coming on. Mr Corbell should stick to what he said to me in the chamber before question time when we agreed to the estimates process being brought forward. That was the agreement we had.

If Mr Corbell cannot stick to his agreements, then it is going to make it very difficult to operate in this place. That is why the MPIs should come on. The MPI would have come on straight after question time, but, after Mr Corbell made a request to us, we believed that the estimates committee debate should be brought forward. We should now have the debate on the MPI.

DR FOSKEY (Molonglo) (5.08): I certainly do not want to hold the house up for long, because I also think the MPIs should be brought on. I did not know about the arrangement between Mr Seselja and the government, but I think that was an arrangement that should be honoured. I was not myself consulted. I had been told all afternoon what is going on. I am a member who would be happy to sit late at times. It would be handy to have been forewarned, but we could tell by the day's business that we were not going to get through all that. Some of that is really important—the human rights community is asking me when we are going to debate the human rights audit and the government's response. Not today, although it is on the paper today.

Mr Stanhope: You had all day yesterday.

DR FOSKEY: Thank you very much, Mr Stanhope, for that advice, but it is on the paper today as an order of the day. We are not going to get to it again, and I just think it is a cavalier way of running business. I object to it very, very strongly. If we are going to have agreements between people, let us honour them, please.

MR MULCAHY (Molonglo) (5.10): I agree with the sentiment from Dr Foskey to the extent that things ought to be honoured, but the fact is that we have not been consulted on any arrangement that was made; I heard about it second hand from Dr Foskey. I am happy to sit here tonight as late as we have to. The matter will be discussed, as I understand. That is what I have been advised by the government whip. For that reason, I am happy to see us proceed to deal with those executive business items and then we can discuss the MPI. If we have got to go until 8 or 9 o'clock, that is of no concern or problem to me.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.10): Mr Speaker, the reason the government is moving this motion at this time is because of the deliberate obstruction of the Liberal Party when it comes to dealing with the issue of the composition of the estimates committee. The Liberal Party sought to agitate the same question on about five separate occasions during the course of that debate. They cannot suggest in any respect that they did not have the opportunity to put their view about the composition of the committee nor, indeed, the chair of the committee. They had that opportunity on multiple occasions. It is when they chose to reagitate the debate frequently and repeatedly at every moment that the government took the decision that the Liberal Party was seeking to deliberately obstruct the business of the Assembly.

Today is the day allocated to executive business—one of only two days during any sitting week when executive business is able to be debated. It is now 10 past 5, this Assembly having sat since 10.30 am this morning. The government has introduced three bills, but no other executive business has been dealt with because of the obstruction of the Liberal Party in the course of the debate this afternoon.

Members interjecting—

MR CORBELL: Mr Speaker, I know they do not like it, but it is the plain fact of the matter. No undertaking has been broken. It was quite clear that we would have been able to proceed with the MPI in a timely manner if those opposite had not deliberately obstructed and sought to slow down the business of this house.

Mrs Burke: Come back tomorrow then. Tomorrow. Come back tomorrow.

MR SPEAKER: Order! Mrs Burke, you are still on a warning, remember.

MR CORBELL: Mr Speaker, the government has decided that, after the significant obstruction by those opposite, it is necessary to call on executive business at this time so that this urgent bill is debated forthwith. The government signalled at the beginning of this sitting week that this bill needed to be debated, and the government now wishes to bring the bill on for debate on a day which is meant to be allocated for executive business.

Question put:

> That the standing orders be suspended.

The Assembly voted—

Ayes 10		Noes 7	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Mr Corbell	Mr Mulcahy	Dr Foskey	
Ms Gallagher	Ms Porter	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

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

Question Time—imputation of improper motive

MR SPEAKER: Earlier on, I said that I would look at the *Hansard* in respect of a point of order that was raised by Mrs Dunne on a matter which was raised in question time. On reviewing the *Hansard*, as I said I would, I see that Mr Hargreaves said about Mr Pratt that "He is known to fabricate things." I think that is an imputation of an improper motive, and I would ask Mr Hargreaves to withdraw it.

Mr Hargreaves: I withdraw it happily, Mr Speaker.

Water Resources (Validation of Fees) Bill 2008

Debate resumed from 8 April 2008, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.20): The opposition will be supporting this measure that gets the Stanhope government out of another fine mess they have got themselves into. This is one of a range of amendments that we have seen over the last few years where some minister has got it wrong.

There was the shame-faced backdown by the Minister for Territory and Municipal Services over the, "Oh, we got the outside eating area charges wrong," and there have been a number of occasions when we have had to come in here and rectify where there have been gaps in regulations and disallowable instruments of various kinds and fee determinations. This is the final one in a long line of mess-ups that we get from the Stanhope government. In addition to not being able to run the business of the house in an appropriate way, they actually cannot run the business of government. It really goes to the heart of what we pay these people for. What do we pay the Chief Minister and Minister for the Environment, Water and Climate Change for when he cannot get the determinations right?

We have gone for a whole month, at some stage, and put in jeopardy $1.7 million in revenue because the Chief Minister and his advisers messed up the fee determinations. Then we have to come in here to fix it up. I want to put this on the record. In the discussion just concluded, the manger of government business said it was made clear

at the beginning of this sitting week that this bill needed to be dealt with this week. I paid particular attention, and I checked with the manager of opposition business as to whether this was raised in the government business meeting as a bill that would have some urgency. In fact, at the government business meeting a bill, unnamed, was foreshadowed as being introduced by leave on Tuesday.

The manager of government business introduced the bill on Tuesday in the absence of the Chief Minister, who was attending a funeral. At no stage did he say or in any way intimate that this was a matter that needed to be dealt with this week. It was only late yesterday afternoon when the revised program from the manager of government business came around that it became clear—although I had a suspicion—that this was going to be something that would be brought on today. It was going to be brought on today, but at no stage before the time that I rang the Chief Minister's office this morning was there any offer for a briefing or an explanation or, "Mrs Dunne, we have got this problem, can we come and talk you through it because we would like to fix it up this week."

I am very reluctant to support this bill and support its passage today simply because the government, as Mr Hargreaves likes to say, cannot get with the plan. First of all, through negligence, they overlooked the fact that there was no fee determination for a whole month and in some cases have collected revenues. In other cases they have not actually been game to collect revenues because it would be illegal to do so. When they discovered this some time earlier this year—it was actually uncertain from the briefing that I acquired this morning when it became clear—they faffed around—that is the word of the week—yet again on this. We have had the whole process where we have a minister who has a non-existent fee determination and he wants us to validate fee determinations under the Water Resources Act.

It is important to note that, again, these are fees that relate to the water abstraction charge which, as members will know, is a charge of some considerable contention in the first place. Now we actually have the situation where it seems that the licence fees, if they had been collected between 1 July 2007 and 30 July 2007, would have been invalid. It does seem that it is the case that a number of people who have bores have not had their licence fee collected for that period because of the lack of the determination, because to do so would be illegal.

I would like to dwell on yet again and draw the attention of the house to the concerns that the opposition has about the validity of the water abstraction charge. I put it in the context of the fact that I have not said that the water abstraction charge is wrong. I have not said at any stage that the water abstraction charge should be repealed. I have only said that I am concerned that the government's administration of the water abstraction charge is not in accordance with the law. If the government uses the water abstraction charge for any means other than to put towards water infrastructure and maintaining and expanding our water infrastructure, it may be construed as an excise and, therefore, be considered as a tax illegal for a state or territory to levy.

This matter is a current matter of litigation between the ACT and the Queanbeyan City Council, which has had concerns on this matter. I am not the only person who has concerns on this matter, and those concerns have been sufficiently large and

sufficiently well tested that the council has found the financial resources to put its case in the Supreme Court, which means it does not take this matter lightly.

This is a very important charge, and its administration in the ACT is a matter of considerable concern. This concern is borne out not more than by the fact that, for one month, the minister responsible failed to have a valid fee determination in place. This is yet another case of negligence by the Stanhope government. As we are responsible and careful about the revenues of the territory, we will be supporting this bill in its present form. But, in doing so, I have to put on the record that the opposition is unhappy that we have to pass this legislation and retrospectively validate fees, not that this is the sort of retrospective legislation that falls within the category of those that would be improper for us to pass. There is a general expectation in the community that there would be a valid fee determination for this period, but there has been none because of the neglect and the oversight of the Chief Minister and Minister for the Environment, Water and Climate Change.

We are also reluctant to support the bill because it goes further to reinforce the Stanhope government's casual approach and careless approach to the administration of the water abstraction charge. I am also concerned at the general performance of the government, particularly the manager of government business who, at no stage, intimated either in meetings or in this place when he presented the bill that this bill was one of urgency.

I think I got an apology from the staff of Mr Stanhope's office this morning because they said, "Well, you should have known that this was an urgent bill," and I think that that was accompanied with an apology, but it was very begrudging. The Chief Minister needs to get his house in order. He needs to start with his manager of government business and make sure that he does his job properly and then move onto some of those under his supervision, direct or otherwise, who have let this situation arise.

MR SMYTH (Brindabella) (5.29): I just want to point out to the house that the manager of government business, in his haste when he changed the batting order for the day, forgot to allow Mr Stefaniak on behalf of the Standing Committee on Legal Affairs performing the duties of the scrutiny of bills and subordinate legislation committee to make his report on the Water Resources (Validation of Fees) Bill 2008. Yet again, another breach in the tradition of this place where the legal affairs committee goes away, they examine the bill and the ritual has always been that they would report before a bill is discussed. We will not get a report on the bill because of the mismanagement of the manager of government business in not getting right, yet again, his ordering for the day.

As Mrs Dunne has said, this is an important bill. Anything that deals with revenue and the government's mismanagement of the collection of that revenue is an important bill, and retrospectivity should not be taken lightly. It would be interesting to see what Mr Stefaniak, as chair, had to say on this bill and whether there is to be anything of concern from the scrutiny of bills committee. Of course, we will not hear that. We will actually hear that after the bill is passed. This is the callous disregard that the government has for the committee system, a system they said they would enhance and

revere far more than the previous government. Again, they are cheap words in opposition, but not the sort of thing that the Chief Minister ever carries through or honours.

DR FOSKEY (Molonglo) (5.30): There is nothing controversial in this bill except perhaps the fact that it is retrospective, as is remarked upon by the scrutiny of bills committee. Again I have just—

Mr Smyth: We don't know that.

DR FOSKEY: Being on the committee, I do know. I guess I am privileged in that way, because I actually know what the scrutiny of bills committee said about this legislation. It found that there was nothing of concern except, it reiterated, the retrospectivity of legislation. This is something that should be avoided at all costs. I understand that sometimes it is not avoidable, for various reasons, but one would not like to think that one reason was that the government was behind the eight ball.

Anyway, as I said, it is uncontroversial; it is essential that it be passed. I do not believe that when it was tabled on Tuesday we were told that it was going to be debated on Thursday. This does happen rather too often. It is fortunate that in this case it seems to be a bill that nobody could oppose.

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) (5.32): I thank members for their contributions. This is retrospective legislation; it is retrospective legislation to deal with a mistake. It is regrettable, but mistakes happen. A mistake occurred in the drafting in this particular case—a human error, a simple mistake, a mistake that was not detected. Retrospective legislation is required to appropriately deal with the issue—the product for which the water abstraction charge was paid and only water was delivered and consumed. It is not as if there was not a service provided for the fee that was not collected; it was. It is appropriate that there be retrospective legislation in this particular instance. As regrettable as any mistake is, this was a very simple, straightforward human error, which of course is regretted. This very simple, non-controversial legislation is required to deal with a small, minor, human error.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Education, Training and Young People—Standing Committee
Report 6

MS PORTER (Ginninderra) (5.34): I present the following report:

> Education, Training and Young People—Standing Committee—Report 6—*Restorative Justice Principles in Youth Settings—Final report*, dated 8 April 2008, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I am pleased to be tabling the final report by the Standing Committee on Education, Training and Young People on the inquiry into restorative justice principles in youth settings. Restorative justice is a way of bringing together all those involved in a conflict or crime in order to give victims a voice, repair harm and restore community.

On 22 February 2005 the committee determined that it would conduct this inquiry, and submissions were invited from a very wide range of interested groups of people. An interim report was tabled in this Assembly on 8 June 2006 detailing the progress and the findings of the inquiry to that date. The select committee on estimates tabled its report on the appropriation bill 2006-07 on 15 August 2006 and recommended that the Standing Committee on Education, Training and Young People should review the adequacy of strategies and resources provided to deal with bullying in the ACT school system. On 16 November 2006 I advised the Assembly that the scope of the inquiry would be expanded to consider the management of bullying, harassment and violence in ACT schools. The committee then advertised and sought further input from relevant agencies and organisations to ensure that the views of the community on these matters could be heard.

Consequently this inquiry has taken a considerable period of time. However, I believe that this Assembly will find that the report and its recommendations reflect the depth and breadth of that inquiry and the consultation process that the committee undertook. No small thanks need to go to successive secretaries of the committee: Siobhan Leyne, Elizabeth Camp and Derek Abbott. And, of course, my grateful thanks to the current secretary, Dr Sandra Lilburn. I also thank my fellow committee members, past member Mrs Dunne and current members Mr Gentleman and Mr Pratt. Mr Pratt was appointed towards the end of the conduct of this inquiry; I acknowledge his willingness to become familiar with the vast amount of evidence that came before the committee prior to his appointment to it.

The committee found that the ACT is internationally recognised for its restorative justice work and recommended that the ACT government capitalise on that success. Some 47 schools across all ACT school systems—that is, public, independent and Catholic—use restorative practice, and the number is growing. The ACT has a successful Restorative Justice Unit which has proven that the practice of restorative justice can reduce reoffending.

As I said, the committee recommends that the ACT build on its success in both these areas—that is, in education settings and in relation to the criminal justice area—for instance, through the resourcing of consistent application in restorative practice in schools, enabling training and support for teachers and allied staff and school

communities. The committee found that the collection of data across ACT schools was problematic due to the variety of ways that restorative practice is applied in various settings. This can be addressed, the committee believes, through ensuring that training in the practice, and therefore its application, is consistent and also by providing support to schools with their data collection.

In the area of administration of justice, the committee noted the pleasing results of a reduction in reoffending. The victims of crime also expressed satisfaction with the way restorative justice gave them a real voice. However, it was clear from our inquiry that not all young people respond to restorative practice, due to their emotional capacity at the time or other variables.

The committee recommends that the Restorative Justice Unit be further resourced to meet the demands for its services and to manage the introduction of the second phase relating to more serious offences; and, further, that the principle be applied in all aspects of the management of the Alexander Maconochie Centre.

The committee learned about the success of Ngambri circle sentencing for adult offenders and recommended that this facility be extended to include young Indigenous offenders, while noting that some Indigenous families were experiencing stress in supporting their young people involved in the criminal system. The committee recommended that legislation confirming the principles and objectives of Ngambri circle sentencing be enacted.

As I said, the committee was pleased to learn of the positive outcomes for victims through the application of restorative practice in criminal matters. The committee also noted that some incidents involving young people in the education system may not be suitable for initial management through restorative practice. This could be because of disadvantage, mental illness or behavioural problems. The committee noted the high level of support and interventions that those young people may need.

The committee also noted policies and practices introduced by the minister for education to ensure appropriate responses in the event of violence in schools or violent threats to school communities. The committee recommended that the school communities and the public be fully informed of all the various policies and practices that support safe school environments and that the ACT Safe Schools Taskforce consider the establishment of inter-agency protocols and professional development priorities for school staff and plan an effective communication strategy for school communities.

It is noted that, whilst restorative practice is no magic bullet and not always an appropriate response at a particular point of a conflict or crime, or after the offence of a crime, it may well be used at a later stage with positive results. It is no magic bullet, as I said, but it is by doing things with people rather than to people that we can grow our capacity as a community.

The committee travelled to South Australia and Queensland to see first hand restorative practice in a range of school settings in South Australia and to discuss policies and procedures implemented in Queensland. The committee noted the code of

school behaviour introduced by the Queensland department of education and the arts. This code defines the responsibility that all members of the school community are expected to uphold. Each parent discusses and signs a responsible behavioural plan for their young person attending any individual school. It is pleasing to note that the ACT education department's code of conduct has been instituted. It outlines the responsibilities of community members, departmental staff and students to promote appropriate and positive conduct and to prevent or minimise non-compliant and aggressive behaviour.

The committee learned that Education Queensland has an online professional development professional and a professional development kit which can be implemented in-house called "Essential skills in classroom management". The committee regarded these as an excellent resource.

The committee heard from the Australian Education Union that it is funding a similar program. The committee recommended that teacher mobility be reviewed, given the need to devote considerable resources to the training and development of teachers and the need for a whole-of-school culture to be developed in order to support the practice.

The committee was pleased to receive the results of the review of the Calwell cluster and the recommendations attached to that. The committee learned of practices to counter bullying in Victoria and Queensland and for teacher training and classroom coaching in Western Australia.

My brief references cannot do justice to this inquiry and this report. I thank those who gave the committee their time and their expertise and those who made submissions and appeared before the committee. I would particularly like to thank those who shared their personal experiences of the process and to thank the teachers, staff and students of the many schools we visited. I have mentioned that I give my thanks to Dr Lilburn and to my fellow committee members. I must also thank Magistrate Madden and Magistrate Dingwall, who managed to find time to meet with the committee last month despite their very busy schedule. Finally, I thank the Committee Office for the support they gave this inquiry and this report.

I will finish by quoting from Alexander Maconochie. First of all, I will read from the fly leaf of a book detailing his time on Norfolk Island:

> In 1840, Alexander Maconochie, a privileged retired naval captain, became at his own request superintendent of two thousand twice-convicted prisoners on Norfolk Island, a thousand miles off the coast of Australia. In four years, Maconochie transformed what was one of the most brutal convict settlements in history into a controlled, stable, and productive environment that achieved such success that upon release his prisoners came to be called "Maconochie's Gentlemen".

To quote Maconochie:

> My experience leads me to say that there is no man utterly incorrigible. Treat him as a man, not as a dog. You cannot recover a man except by doing justice to the manly qualities which he may have and giving him an interest in developing them. I conceive that none are incorrigible where there is sanity; there may be some proportion, but very small.

MR PRATT (Brindabella) (5.44): I rise, as a member of the committee, to pretty much echo everything that Ms Porter has said. I do not need to go through the mechanics again; that would be wasting time. Ms Porter has covered the detail of how this particular matter was looked at. I have a couple of supplementary points to make, and that is all.

I came onto this inquiry extremely late, at the eleventh hour, but I saw enough at the end of the inquiry to understand where this concept was going and I was fairly impressed with what I picked up at the end. I do not know how I would feel if I had spent the entire time frame of the inquiry looking right at it, but I think I have seen enough to be satisfied that this is a very, very useful vehicle for supplementing the way that the community ought to approach the subject of conflict resolution amongst our young.

Mr Corbell: And it is chaired by a government member, too. How about that?

MR PRATT: Simon, thank you. I had probably forgotten to raise that matter. Thank God you were here. For me one of the highlights was the meeting that we had with Magistrates Dingwall and Madden of the—

Mr Corbell: With a government majority as well.

MR PRATT: Excuse me, Simon. Could I get a word in, mate? One of the highlights was talking to Magistrate Madden of the Ngambra Circle Sentencing Court. That was quite an interesting experience and it was quite enlightening to hear about the approaches that he has taken in that particular area of youth justice. Magistrate Dingwall has more broadly dealt with other youth justice matters and he raised a very interesting point about the Chisholm high school case that we have heard about from time to time in this place, and which I will come back to.

Clearly the restorative approaches to dealing with youth conflict and wrongdoing have been well developed, and my understanding is that these approaches have been well and truly built on the back of the RISE project that was commenced a couple of years ago. It is interesting that quite a number of schools have taken up restorative practices. Clearly the schools find some benefit in this approach. The committee looked at a particular cluster of schools and found some interesting lessons there on the experience that these schools have had in restorative practices.

I think it is very important, and I am quite happy that this report, while it goes to quite some length detailing pretty well the depth of the analysis of restorative practices and restorative justice in general, does now bring assurance to the community that this particular approach will run hand in glove with the time-honoured systems that are already in place to deal with youth justice matters.

The report quite explicitly states—I was very keen to put my little bit in at the end, and I appreciate my two colleagues on that committee accepting the one area that I thought ought to be tightened up a little—that if we are going to make sure that restorative practices are well understood and appreciated by the community the

community needs to know that the paramount objective of this approach to youth justice is the protection of our young. The paramount objective is that schools or other instruments of government dealing with youth affairs ensure the safety and protection of our young.

Restorative justice principles do not seek to replace the word of law. Restorative justice does not seek to replace the way the education department deals with youth conflict matters. It is a powerful tool which supplements those time-honoured practices. It was very, very important that the report give assurance to parents that while these very interesting approaches that we have seen with restorative justice principles are certainly bearing some fruit, particularly in dealing with a number of cases that might not otherwise have been resolved—there is no question about that; it deals well with some very interesting hard cases that may not otherwise have been addressed—parents can have confidence that at the end of the day, whatever systems are put in place, the safety of their children is paramount.

Magistrate Dingwall illustrated that very point to us when we questioned him about the Chisholm high school matter. He made a very interesting point. Magistrate Dingwall thought that one of the major values in restorative justice practices was the opportunity to give victims some empowerment in coming to grips with what has happened to them. He said that even if a restorative practice exercise does not bring what we want it to bring to resolving the perpetrator's problems, if it at least allows the victims to engage in a cathartic experience and feel that they have had their say, that they have looked the perpetrator in the eye and been able to say, "This is the damage that you have done to me and my family," then at least that process is valuable.

Magistrate Dingwall was at great pains to point out that not all perpetrators are going to be assisted in coming to grips with what they have done wrong and perhaps be remorseful and then perhaps start looking seriously at rebuilding their lives. He made the point that a lot of perpetrators come from very dysfunctional families or themselves have mental illness concerns. Restorative practices cannot always work. He made the point that it is therefore very important that all the gaps in the system—the courts, the law, as we know it—are plugged.

He also pointed out that in the Chisholm high school case the victim felt that she had not received justice when she was asked to participate in the restorative practices. It is interesting to raise that here because that is a case that has unfortunately received wide publicity in the community and been spoken of in this place. Magistrate Dingwall pointed out that the victim has not felt that the loops have been tied on that particular matter. A number of us who met the victim—by coincidence, by the way—can see that she is still a shaken young lady.

So justice is very important. Restorative practices, restorative justice principles, can have a very important role to play in the exercising of justice. It is clearly in some ways a very constructive and positive approach to how you might see justice being exercised. I think the report has covered all those areas. I commend the report to the house.

MR GENTLEMAN (Brindabella) (5.53): I thought I would say a couple of brief words on this inquiry and the report. As Ms Porter has already indicated, it was quite a long inquiry, and I must say I learnt a lot out of this process and I saw some fantastic results in areas where RJ has been put in place.

I am sure Ms Porter has mentioned it, but one of the really key and exceptional areas was Charnwood school. There has been a change in people wanting to go to Charnwood school. A few years ago it was very difficult to get people to go there. Now, with an increased participation in this RJ process, there is a line-up of people wanting to go to that school. It is a much better place to be.

Apart from that, I think that Ms Porter has indicated all of the feeling that I wanted to put forward. But I do want to thank Ms Porter and my previous committee colleagues and current committee colleagues for their time during the inquiry and reporting period, especially the various committee secretaries who put in so much work during that time.

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

Estimates 2008-2009—Select Committee
Membership

MR SPEAKER: I have been notified in writing of the following nominations for the membership of the Select Committee on Estimates 2008-2009: Mrs Dunne, Mr Gentleman, Ms MacDonald, Ms Porter and Mr Smyth.

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

> That the Members so nominated be appointed as members of the Select Committee on Estimates 2008-2009.

Question resolved in the affirmative.

Homelessness
Discussion of matter of public importance

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

> Homelessness in the ACT.

MR SMYTH (Brindabella) (5.55): Before I commence my speech, I would like to move to suspend the standing orders to allow the successful conclusion of the MPI one hour from this time. I move:

> That so much of the standing orders be suspended as would enable discussion on the matter of public importance to proceed for one hour, notwithstanding the imminent automatic adjournment at 6 p.m.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.56): Mr Speaker, the government will not be supporting this motion.

Question put:

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

The Assembly voted—

Ayes 8		Noes 9	
Mrs Burke	Mr Seselja	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Gentleman	

Question so resolved in the negative.

At 6.00 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put.

Adjournment
Public housing

MR MULCAHY (Molonglo) (6.01): Mr Speaker, it is not often that I stand up in this place and commend the government for one of its decisions. But, as I mentioned in question time, it gives me pleasure to be able to speak today on the topic of public housing and in particular on the government's recent decision to sell the Fraser Court housing complex. It will, of course, be a measured level of commendation, since I believe that there is far more work to be done in this area to solve the many problems that are occurring in ACT public housing properties.

Fraser Court is a dilapidated complex and is certainly in need of a great deal of maintenance. The complex has become an eyesore and is in stark contrast with the surrounding area. Moreover, the complex has become a considerable source of problems for the police and local residents. Like it or not, there have been a number of tenants in the complex who have caused trouble for others and who have added to the level of crime in the area. Of course, it is not comparable to the level of crime that has been witnessed in Stuart Flats, and I will have more to say on that issue in due course.

This reflects a general concern that I hear from many constituents about large public housing complexes in Australia. It is common to hear complaints of crime and unruly behaviour in such complexes. On radio the other day, I was pleased to hear from the minister that the government no longer supports the practice of building large public

housing complexes. I think that this is a wise move and that the government should take it to the next logical step and review the value of existing large public housing complexes. I do not think that it is rocket science that in large complexes it is easy for the minority of problem tenants to cause problems for a large number of their neighbours and the surrounding community.

I certainly would not wish to insinuate that all public housing tenants are guilty of such unruly behaviour; in fact, I believe that it is a fairly small minority of tenants that cause trouble for others. But I am horrified when I see the number of police call-outs that have had to occur in some cases and the number of ambulance visits and the number of fire visits alone in the month of February to one complex. These complexes do not suit many tenants. If they can be sold off and replaced with more suitable public facilities, this is a good thing. The sale of Fraser Court will, if media reports are correct, bring in pretty substantial revenue. This revenue can be used to purchase public housing stock that is better matched to the needs of the ACT community.

I do not want to attack public housing tenants. The vast majority of tenants do not cause problems and fulfil their obligations. There is a minority, however, that we are all aware of, who cause considerable problems to the majority in the surrounding community. Reviewing the suitability of large housing complexes for public housing is one way that the government can reduce this particular impact.

I welcome news of the sale of Fraser Court and urge the government to use the sale as a stimulus to review the worth of all similar housing complexes.

Earlier in my career, I had the opportunity to work for the Premier of Victoria, the late Sir Rupert Hamer. Under the Bolte government, Victoria experimented with the idea of high-rise complexes, a number of which still stand in Richmond. These became nothing short of war zones. Building these facilities is a concept from the 1970s that has since been proven to be an absolute disaster in terms of social community and civil conduct.

In my career, I also lived in Chicago, where the Cabrini-Green complex was probably rated as the worst public housing complex in the United States. It was not even an area that one could catch a bus through in the daytime, because of sharpshooters shooting at passengers on buses and the like. Burnt-out apartments were a feature of this complex. I think now it has been almost totally demolished and redeveloped as a site. Certainly the idea of putting large numbers of disadvantaged people in one high-rise complex or multi-unit complex has been seen as very poor social policy. With the benefit of hindsight, we now know that these things should never have been constructed.

I hope that the minister will accelerate the sale of Stuart Flats and the removal of the Red Hill public housing complex. I know that undertaking was not given in such detail today, but I hope that this is going to happen soon—for the sake of the people who are living there and who are law abiding and cannot cope with this any more and for the sake of the people who are in private accommodation in close proximity to these complexes who continually raise matters of concern with me and other members of the Assembly.

Youth homelessness

MR SMYTH (Brindabella) (6.05): Just before the adjournment was moved, I tried to move a suspension of standing orders so that we could debate the MPI that is listed on the paper, which is about homelessness in the ACT. It is a shame that the Labor Party, the government, would rather go home than debate homelessness in this place. It is an indication of their attitude to this.

I want to read a paragraph from the report *Australia's homeless youth: a report of the National Youth Commission inquiry into youth homelessness* which was released recently. It is timely given that it is Youth Week. It is an interesting paragraph; it is a nice snapshot of what is happening in Australia today. Paragraph 4 from the executive summary of the report says:

> Homelessness is not "rooflessness". In Australia, it is widely accepted that homelessness should be broadly defined as being without shelter, in an improvised dwelling, in any form of temporary shelter including SAAP services or a temporary stay with a friend or acquaintance and residence in single rooms in boarding houses without facilities or security of tenure. In the ABS Census 2001, there were 100,000 homeless people—men, women and children—one third (36,173) were young people aged from 12-24 years of age. There were another 9,941 children under the age of 12. Both structural and individual factors cause homelessness for young people. The latest statistics in 2006 reveal 21,940 homeless teenagers aged 12-18, a decline from 26,060 in 2001. This drop has been attributed to the totality of early intervention between 2001 and 2006, not the decline in youth unemployment since the early nineties. On the other hand, the crisis in housing affordability and increased pressure on state care systems are factors that tend to drive homelessness upwards. In 2005-06, in terms of homeless people using SAAP services, 35.5 per cent of clients or 36,700 young Australians were young people. There was also an additional 54,700 children accompanying an adult(s). Turnaway rates as measured by the Australian Institute of Health and Welfare show that about half of the potential clients of SAAP are not able to be accommodated on any night.

That is the seriousness of the situation as outlined in the *Australia's homeless youth* report. It is a shame that, because of the government's unwillingness to stay here for an extra hour, we did not get an opportunity to debate it today.

Estimates 2008-2009—Select Committee

MRS DUNNE (Ginninderra) (6.08): Mr Speaker, I would like to just dwell on the subject of the motion that a member no longer be heard. When the manager of government business moved this motion today, I thought, "Gosh, I've never encountered this." I did a calculation.

Mr Hargreaves: Point of order, Mr Speaker: I do not wish to use up too much time, but I ask for your guidance on whether or not this represents a reflection on debate in the Assembly.

MR SPEAKER: In effect, it is a vote that never happened because—

Mr Hargreaves: Is that the one we are talking about?

MR SPEAKER: —the motion had no standing.

Mr Hargreaves: Yes, okay. No problems.

MRS DUNNE: Thank you, Mr Speaker. I would not have reflected; I was just reflecting on the general use of the standing order. Having now worked in this building for coming up to 12 years early next month, I realised that I had never before seen or heard a member use this device. I started to search through the standing orders to find where it was covered, because it had never been used, although I know of its existence and I know it is used in other places.

It turns out that there is no standing order in the ACT Legislative Assembly standing orders that allows for this to happen. Of course, we can all move any motion we like with leave if it is not listed on the notice paper. But it is interesting to look at *House of Representatives Practice* and its discussion of the closure of a member. On page 514 of the present edition, it says:

> With the exceptions stated below, any Member may move at any time that a Member who is speaking "be no longer heard" and the question must be put immediately and resolved without amendment or debate … The standing order was introduced at a time when there were no time limits on speeches and, in moving for its adoption, Prime Minister Deakin said:
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> The … new standing order need rarely, if ever, be used for party purposes, and never, I trust, will its application be dictated by partisan motives.

It was probably a much more genteel time back in the days of Prime Minister Deakin. There follows a lengthy exposition on the circumstances in which the chair may decline to move the motion.

What we saw today—and it was highlighted by this out-of-order attempt by Mr Corbell to close the debate—was a high level of petulance manifested by the manager of government business. We see that on a fairly regular basis. It is usually characterised by him saying, "This is a day set down for government business and we have not debated any." But we have to remember that this is a day set down for a number of things, including government business, Assembly business, and the tabling of committee reports, some of which still have not been tabled and one of which refers directly to a piece of legislation which has been passed by this place.

What happened today, with the connivance and the direct application of the manager of government business, was a shameful display—an absolutely shameful display—of how a majority government can work, or how a majority government does not work in the ACT. There are not enough checks and balances; there is not enough regard for the forms of the Assembly, the forms of parliament and the traditions of parliament. Mr Corbell's performance as manager of government business needs to be severely remedied fairly soon or we will have to take other measures against him.

MR SPEAKER: To be fair, it was my oversight that allowed the motion to run and I had to correct that later on.

Estimates 2008-2009—Select Committee

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (6.13): I think it is worth briefly reflecting on the issues in relation to the debates in this place earlier this afternoon. I would reject absolutely any assertion that this is an abuse of the forms or an attempt to ignore the forms of this Assembly. I think the experience of majority government is not exactly that which will be put forward by the Liberal Party or indeed by the crossbenchers, who, of course, do have a very strong vested political interest in seeking to portray majority government under a Labor administration as a bad thing.

Whether or not the Liberals would seek to take a similar approach if they were in the majority is yet to be seen. Hopefully, we will never have to deal with such an occurrence. But I think it is well worth making the point that those who comment on their perceived inadequacies of majority government under a Labor administration do so from a very biased political perspective.

Nevertheless, I would like to place on the record a few things about the events this afternoon. The first is that the government did provide a very considerable period for debate on all the issues that were proposed for discussion in the Assembly this afternoon. At no time did the government seek to curtail the introduction of new issues into those debates.

Indeed, in relation to the motion for the establishment of the select committee on estimates, the government actually permitted a considerable period for debate. But what became apparent about two-thirds of the way through that debate was that the opposition was seeking to re-agitate matters that had already been proposed and spoken to in amendments already circulated in this place and dealt with by this place. So it is not a case of new matters not being able to be discussed that had not already been raised and debated during that discussion. They had been.

The difference between majority government and minority government is not that the government will abuse its majority; the difference is that the government will not permit members to agitate matters in a way which results in tedious repetition. Indeed, one of the real problems and the experience of a minority government has been that it results in everyone needing to have their say ad nauseam. I think anyone who has been in this place when there has been a minority government would know that you go to the other extreme of repeating ad nauseam people's positions and statements to that effect, with very little real purpose or meaning.

The government seeks to strike the balance between providing for the timely execution of business in this place, the ability for members to raise all the issues of legitimate concern to them and to have them voiced in the debate and then the matter put to the vote. That is the balanced approach that we seek to adopt. Of course that will not always please members of the opposition or, indeed, members of the crossbench, but it does not mean an abuse of the forums of this place.

The other point that is worth making in relation to the discussion and debates this afternoon is that the government has always, during the course of this term, sought to permit a reasonable level of debate on all issues, including those matters which are contentious. It is also true to say that the government has not always sought to maintain a majority on committees. Indeed, for at least one of the estimates committees that this Assembly has formed as a select committee to look into the budget, the government has deliberately chosen not to take a majority on that committee.

There is, of course, the issue of the application of the standing order in relation to proportional representation on committees of members and their political affiliations in this place. And it is by no stretch of the imagination an unreasonable argument to say that, in an Assembly where nine of the 17 members are members of the Labor Party, that can translate into a membership on any committee of three government, two opposition and one crossbench. That should also be held in regard by members.

Finally, I found it very amusing that, following this terrible debate about how the government is abusing its majority and majority committees never achieve anything, Mr Pratt commended a majority Labor committee for the report introduced on restorative justice.

Estimates 2008-2009—Select Committee

MR SESELJA (Molonglo—Leader of the Opposition) (6.18): I do have to respond to what Mr Corbell has just said. I was roused out of my chair when he claimed in his speech just then that there were no substantive issues that were not allowed to be discussed, when he knows clearly that I had circulated an amendment—and it was relevant—as soon as it could be circulated.

Mr Corbell: You did exactly the same thing as your previous speaker.

MR SESELJA: Mr Corbell interjects and he is wrong again. The situation changed when a crossbench extraordinarily excluded themselves from the situation. That is something that none of us had anticipated. We anticipated the government did not want to be scrutinised—we are used to that—but what we saw today was that the crossbench is prepared to assist them in that process; that they are prepared to assist them in not being scrutinised.

That was the extraordinary thing that came from today; that was the thing that changed; and that was the thing we did not get to debate because my amendment, which was circulated to Mr Corbell and other members, would have—given that the crossbench had pulled out of the process—replaced a crossbench member with a member of the opposition.

Mr Corbell: Jacqui Burke moved exactly the same amendment.

MR SESELJA: No, she did not. Mr Corbell again is wrong.

Mr Corbell: She proposed three opposition members.

MR SESELJA: She did not move exactly the same thing.

MR SPEAKER: Can we quit the discussion across the floor, please.

MR SESELJA: We had a substantive amendment and it was not able to be debated. It was reasonable that we have that debate. If the government was prepared for there to be three non-government members before, if the crossbench feel that it is no longer necessary for them to scrutinise the government, if the opposition is willing and able to take that position, why should it not have been able to. It was a reasonable thing to put. It should have been able to be debated. Mr Corbell did not allow it.

In seeking to shut down debate in the disgraceful way that he did by moving that the member be no longer heard, he actually led to a situation where we spent a lot more time on it than we otherwise would have. The tactical brilliance of Mr Corbell came to the fore once more in a cheap attempt to shut things down quickly. He was not able to do it—he failed—and he has demonstrated once again that he has not much tactical nous.

But he should not claim that every substantive issue was able to be debated, because it was not. It was reasonable. It was extraordinary and is extraordinary, and it needs to be put on the record again. It needs to be put on the record again that it is extraordinary that not only does the government not want to be scrutinised but we know the crossbench no longer wants to scrutinise them.

Youth homelessness

DR FOSKEY (6.22): In the absence of being able to present my MPI speech in the MPI period, I am going to present as much of it as I can right now. It was an important issue, and I am sorry we did not get to discuss it.

The problems identified in the National Youth Commission report are broadly similar to those reported in the Human Rights and Equal Opportunity Commission inquiry in 1989. Significantly, although since that inquiry the Australian economy has improved substantially, there are more homeless young people. The ACT is seen to be pretty poor when it comes to youth homelessness, partly because of the extremely tight private rental market, tightened eligibility requirements for public housing and lack of emergency housing.

The vacancy rate in the ACT dropped to 1.7 per cent in mid 2007 and it is thought to have got worse. Some speculate it may now be as low as one per cent. Higher than average incomes in the ACT distort our measures of affordability, and the use of the average is not appropriate in the ACT. Affordability measures need to be broken down further, perhaps by age and income brackets. In 2007, services highlighted the need to make improved special provision for children in SAAP services.

Breaking the cycle recognises that many of the children entering SAAP services have experienced trauma, violence, insecure accommodation or are suffering from the effects of situational factors such as drug and alcohol issues, gambling and mental

health issues. The ACT Shelter 2008-09 budget submission is concerned that the extent to which specific funds have since been provided is unclear. However, SAAP services themselves are saying that there is a need to invest more in this area. Breaking the cycle also recognises that the number of young people experiencing homelessness aged between 13 and 15 years is increasing, and added that their needs are complex and they require not just accommodation but also support services to prevent the cycle of homelessness and poverty.

DHCS commissioned a report by the Australian Catholic Universities Institute of Child Protection Studies on children's experience of homeless in the ACT. The report captures the trauma and anxiety surrounding children's experiences of housing instability.

Many have welcomed the ACT government's initiatives to assist homeless young people through the stairwell and pathways programs. However, both of these initiatives are worker intensive—the pathways program through extra planning, consultation and implementation meetings, and the stairwell project through increased outreach support. It is essential that the ACT government provides youth SAAP services with sustainable funding to ensure the success of these initiatives.

Meanwhile, public housing for lower income young people who are not homeless has been tightened by the eligibility income test and targeting of the waiting list. It is for this reason that ACT Shelter welcomed the recently announced Housing ACT initiative to let units to young people who have been waiting on the ACT Shelter 2008 budget priorities standard list for some length of time. The key theme that has emerged from ACTCOSS consultations is the urgent need for more exit points from SAAP services.

The ACT has the highest proportion of all states and territories of service users, supported for more than six months—14 per cent compared to the Australian figure of 6.3 per cent. Average length of support in the ACT was 86 days, compared to the national average of 48 days.

The most recent ACTCOSS budget submission states that there is a bottleneck in SAAP services, meaning that people who are homeless or in insecure accommodation do not have access to these services. The Australian Institute of Health and Welfare reported that in 2004-05 the ACT had a substantially higher average daily turn-away rate, 71 per cent, for people requesting SAAP accommodation than the other states and territories. We need more exit points from SAAP but we are pleased that the government is moving to provide transitional housing to ease the pressure on the SAAP system.

In announcing the 2006-07 $1 million budget cut to SAAP, the government indicated that the cut would not result in a reduction in the number of beds. However, the cuts did not take into consideration the support services that are needed to help people in those beds, and a number of services reported to ACTCOSS that they had been forced to reduce their staffing levels and the level of service they can provide.

Baringa Child Care Centre

MR STEFANIAK (Ginninderra) (6.25): Last Saturday, it was my pleasure to attend the 25th anniversary celebrations of the Baringa Child Care Centre in Spence. Indeed, I was privileged to assist in cutting the giant birthday cake. The centre has been in operation since March 1983, opening for business in the Melba Flats—

Mr Hargreaves: I'll bet the poor kids didn't get any cake.

MR STEFANIAK: I did not either, mate; there were too many kids there. It has delivered high-quality childcare to the local community for some 25 years. Its early days were challenging but rewarding, providing support to many low-income families dealing with social issues and supporting families with a range of issues such as drugs, alcohol abuse, neglect, domestic violence and cultural differences.

When the Melba Flats were demolished in 1991, the centre moved to its new premises at Spence, to continue supporting many families in west Belconnen. Today, with the support from the local community and a very dedicated team of staff led by Judy Small, Baringa has flourished and is now located in Spence as part of the Mount Rodgers community facility.

Currently Baringa provides care for babies, toddlers and preschoolers. It is running at full capacity, with a very large waiting list. It provides a caring environment for the families it services. Assistance is offered to families in crisis. Baringa has always provided quality and affordable childcare. Over the last 25 years, more than 2,700 families have benefited from the high-quality, low-cost childcare provided by Baringa.

Baringa provides local jobs. Some 25 people from the local Canberra community are employed by the centre, and the staff expertise covers childcare workers, assistants and registered nurses. All are trained as multicultural workers and in the special needs of children with disabilities.

In addition, Baringa provides a supportive learning environment for those studying childcare in the region. It hosts, on a regular basis, visiting students from the Canberra Institute of Technology, the University of Canberra and private childcare training organisations. It has maintained the highest levels of accreditation throughout its operation, which reflects its commitment to meeting the individual needs of the children within the centre.

Its objectives are to provide a comprehensive integrated service, including care, education, health, safety and nutrition programs which seek to foster all aspects of children's development. They provide support for families and all who care for young children. They believe that each child comes to the centre with a different set of experiences, knowledge and interest, and they seek to build on the child's home experiences and acknowledge the range of cultural backgrounds of families.

Baringa Child Care Centre also believes that adults who are responsible for children should have access to services and facilities that will enhance their opportunities and

abilities to provide for children's needs. They continue to be a resource to parents, students, childcare service providers and teachers, as well as offering the freedom to become a part of their program. Baringa Child Care Centre is an important icon in the west Belconnen area and I congratulate the centre on reaching its 25th anniversary.

Special Olympics junior national games
Legislative Assembly—Liberal members

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (6.28): I take the remaining time to advise members of a very important event that will be taking place tomorrow, and that is the commencement of the Special Olympics junior national games. We will be receiving and hosting athletes from all around Australia and a number of overseas countries in Canberra for a three-day event.

There will be a street parade down Northbourne Avenue tomorrow from 11.00 am, together with a formal welcome at Glebe Park at midday. Later in the evening the formal opening ceremony will be conducted at the AIS arena, from 7.30, and then the games will take place over the weekend.

It is tremendous that the ACT is able to host such an outstanding event. We look forward to welcoming all of our guests over this weekend and trust that all of the participants will have an outstanding time in the capital.

In the remaining time available to me, it is worth noting that another sitting fortnight has passed without any new policy from the opposition and that the need for a territory plan variation to zone the area over there as a policy-free zone is becoming increasingly apparent. I suspect that a reference to the Assembly's planning and environment committee is needed very soon for them to consider the fact that this area of this part of the city is a policy-free zone.

Question resolved in the affirmative.

The Assembly adjourned at 6.30 pm until Tuesday, 6 May 2008, at 10.30 am.

Answers to questions

Environment—noise pollution (Question No 1821)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 12 February 2008 *(redirected to the Minister for Territory and Municipal Services)*:

(1) Could the Minister provide data concerning the amount of complaints received by ACT Policing regarding noise pollution caused by audio systems in vehicles;

(2) Is the Government planning to change or introduce any legislation or regulations to reduce or limit the noise pollution from these audio systems.

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

1. The Australian Federal Police have advised that in the 12 months from 1 Feb 2007 to 31 January 2008 1819 noise related complaints have been received. It is not possible to determine whether any particular complaint related to noise from a vehicle audio system. The AFP indicate that a small number could relate to vehicles parked in public places.

2. The ACT is consistent with other jurisdictions in applying registration standards to all vehicles used on the road network. The Australian vehicle safety standards which incorporate the Australian Design Rules (ADRs) and the Australian Vehicle Safety Rules (AVSRs) mandate maximum vehicle noise emissions levels for engine and exhaust components only.

   The ACT Government has no immediate plans to introduce legislation to restrict the use of stereo sound equipment in motor vehicles. Enforcement would be problematic in validating the level of noise, measurement of the moving vehicle and testing the variable nature from the source. Enforcement officers are unlikely to be at the site at the time of the alleged offence and if a vehicle was to be tested after a complaint it would be very difficult to establish at what volume the stereo was operated at the time of the offence.

ACTION bus service—bus shelters (Question No 1828)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 12 February 2008:

What are the plans for erecting bus shelters in Wentworth Avenue, where many people wait for buses in the rain and full sunshine.

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

1. The need for two bus shelters on Wentworth Avenue has been identified. These bus shelters will be installed (City bound) between Giles Street and Gosse Street and (Fyshwick bound) between Eyre Street and Dawes Street. These two shelters are in

the 3 year bus shelter building program and are scheduled for installation by December 2009.

ACT Ambulance Service—subscription scheme (Question No 1835)

Mr Stefaniak asked the Minister for Health, upon notice, on 12 February 2008 *(redirected to the Minister for Police and Emergency Services)*:

(1) Why is the ACT Ambulance Subscription Scheme no longer administered by the NIB Health Fund;

(2) When did the administration by NIB cease;

(3) Was NIB administering the Scheme under a contract with the ACT Government;

(4) Was the termination of that contract in accordance with the terms and conditions of the contract;

(5) Is the Government's ACT Ambulance Subscription Scheme still operating; if not, why not;

(6) If the scheme has ceased, when did it cease;

(7) If the scheme is still operational, how and by whom is the scheme administered;

(8) Has the scheme changed in any way since NIB ceased its administration of the Scheme; if so, in what way.

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

(1) NIB chose to withdraw from the contract to provide the service.

(2) Under the contract, NIB was required to give 90 days notice to withdraw from the contract - this notification was given on 4 July 2007.

(3) Yes.

(4) Yes.

(5) All existing subscriptions are being honoured by NIB until they naturally expire. No new subscriptions are available.

(6) 2 October 2007.

(7) Not applicable.

(8) No applicable.

ACT Ambulance Service—vehicles (Question No 1840)

Dr Foskey asked the Minister for Police and Emergency Services, upon notice, on 13 February 2008:

Does the ACT Ambulance Service have vehicles capable of transporting patients weighing over 180 kilograms.

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

Yes. Funding by the ACT Government in 2005-2006, has seen all ACT ambulances equipped with stretchers with a safe working load of 230kg.

In addition, a specialist bariatric ambulance was one of four vehicles funded by the ACT Government in the 2007-2008 Budget to increase the current ACT Ambulance Service fleet capability.

The bariatric ambulance and associated specialist equipment will provide the ACT Ambulance Service the capability to provide safe and efficient transport to morbidly obese patients up to 500kg.

Procurement for the bariatric ambulance is currently being finalised, with construction to commence shortly. The bariatric ambulance is scheduled to be operational in June 2008.

Hospitals—visiting medical officers (Question No 1844)

Mrs Burke asked the Minister for Health, upon notice, on 13 February 2008:

(1) Given that in 2006 the cost of services provided by Visiting Medical Officers (VMOs) was a total of $16.472 million and that according to the 2006-07 ACT Health annual report there was a high use of VMOs resulting in a total cost of $20.323 million, what are the reasons for the higher use of VMOs and associated higher costs;

(2) Given that the 2006-07 ACT Health annual report stated in Section A, Performance and financial management reporting, that there are three VMO's who have contracts in excess of or above $450 000, (a) how many hours work is each of these VMOs contracted for, or expected to perform, in order to fulfil their contractual obligations as a VMO for ACT Health, (b) is there a predetermined public patient load expected of each of these VMOs and (c) does ACT Health monitor or keep a record of the number of public patients each VMO sees; if so how many public patients did each of the above VMOs see during the 2006-07 reporting period.

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

(1) Between the two periods cited there was an increase in surgical activity, additional VMOs were engaged as services expanded, there was an increase in the negotiated contract price, continuity bonuses were paid as VMOs moved to the new contract, and a number of disputes in relation to transitional allowances were settled for payment.

(2) (a) This information is "Commercial In Confidence".

(b) Yes.

(c) Yes. ACT Health keeps records of the activities of all VMOs. I am unable to provide an answer to this question as the analysis of this level of specific data is a complex undertaking and would require the diversion of excessive staff resources.

Housing ACT—managers (Question No 1849)

Mrs Burke asked the Minister for Housing, upon notice, on 13 February 2008:

(1) How many Housing Managers does ACT Housing employ;

(2) How many Specialist Housing Managers does ACT Housing employ;

(3) What are the specific roles and responsibilities of Specialist Housing Managers;

(4) How are current Housing Managers dispersed across the ACT, for instance, are they allocated property by section, by geographical location, by demographic, by property / occupancy numbers for example;

(5) How many facilities, premises or occupants are individual Housing Managers responsible for at any given time and is there a maximum or minimum limit;

(6) Is there a predetermined pre-requisite or statutory responsibility for Housing Managers to visit the public housing premises under their responsibility; if so, how often should they visit a premise under their responsibility;

(7) What process is instigated when a complaint is forwarded, for instance anti-social behaviour, to a Housing Manager by a public housing tenant;

(8) How do Housing Managers assure themselves, the complainant or the Department of Housing that a complaint is satisfactorily dealt with and resolved.

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

(1) 40

(2) Housing ACT employs 3 Client Support Coordinators (CSC).

(3) CSC's assist Housing ACT tenants and tenant families who are not currently receiving the level of support they require in order to sustain their tenancies. This may include referral to appropriate community support agencies, arranging and attending case conferences and providing support and advice to Housing Managers where required.

(4) By geographic location.

(5) Housing Managers are responsible for the management of approximately 250 Housing ACT properties. There is no formal maximum or minimum level.

(6) Yes, however this is an operational requirement, not a statutory requirement. Housing Managers are required to conduct a minimum of one annual client service visit to each of the properties in their portfolio. However, there are many circumstances where the Housing Manager will have more frequent contact with some tenants.

A visit is also carried out within the first three months of a new tenancy.

(7) Where a complaint is received Housing Managers will address the complaint through a range of actions that may include one or more of the following:

a) Contacting the complainant to verify the complaint and gather further information;

b) Contacting the tenant/s to discuss their tenancy obligations under the terms of the tenancy agreement and the action Housing ACT may take under the terms of the Residential Tenancies Act if they fail to comply, this includes;

- Serving a Notice to Remedy under the appropriate clause of the Residential Tenancies Act; and
- Serving a Notice to Vacate under the appropriate clause of the Residential Tenancies Act

c) Depending on the nature and severity of the complaint this may be a telephone call, a letter to the tenant, or direct contact with the tenant at an office or home appointment;

d) Referral to a Client Support Coordinator for intervention and referral to appropriate support agencies where required;

e) Referral to the Conflict Resolution Service;

f) Action through the Residential Tenancies Tribunal is taken where the complaints are ongoing and cannot be resolved through mediation or any other reasonable action;

g) If the matter raised involves illegal activity, the complainant is advised to report the matter to the Australian Federal Police.

(8) Liaison and feedback from the complainant;
Checking to ensure the tenant has remedied the situation or breach by carrying out a home visit, inspection or contacting the neighbours;
Resolution achieved through mediation;
Resolution achieved through the Residential Tenancies Tribunal.

Finance—budget estimates (Question No 1851)

Mr Smyth asked the Treasurer, upon notice, on 13 February 2008:

(1) For each financial year from 1989-90 to 2010-2011, what was the estimate set out in the Budget papers for revenue and expenditure on (a) an Australian Accounting Standards (AAS) basis and (b) a Government Finance Statistics (GFS) basis;

(2) For each financial year from 1989-90 to 2006-07, what was the actual outcome for revenue and expenditure on (a) an AAS basis and (b) a GFS basis.

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

(1) The ACT adopted accrual AAS budgeting and reporting in 1996-97, with the first full year of accrual reporting being 1997-98. Prior to this, the ACT reported on a cash basis, during which time the available data is not directly comparable to the revenue and expense data being sought. Similarly, the ACT adopted accrual GFS reporting in 2000-01. Before this date, the GFS framework was cash.

Attachment A provides budgeted revenues and expenses from 1996-97 to 2010-11 for AAS and from 2000-01 to 2010-11 for GFS.

Attachment B provides the budgeted cash GFS data for 1989-90 to 1999-2000.

(2) **Attachment C** provides the actual AAS and GFS revenues and expenses from the adoption of accrual accounting for the respective reporting frameworks (AAS from 1996-97 to 2006-07, and GFS from 2000-01 to 2006-07).

Attachment D provides the actual GFS cash receipts and payments data for 1989-90 to 1999-2000.

(Copies of the attachments are available at the Chamber Support Office).

Taxis—Nightlink service (Question No 1852)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 13 February 2008:

(1) What is the total operating cost of the Nightlink taxi service;

(2) What is the cost breakdown of the $1 million that has been committed by the ACT Government over the next four years;

(3) How will the ACT Government subsidy of the Nightlink service be distributed;

(4) Who will be covering the cost of the increased security at the designated Nightlink taxi ranks;

(5) What will the increased security consist of at the Nightlink ranks;

(6) Will security cameras installed as part of Nightlink be in addition to the existing CCTV network;

(7) What percentage will the ACT Government be contributing to the cost of Nightlink marshalls;

(8) Will Nightlink taxis be dedicated exclusively to providing a late night public transport solution, or will individual wheelchair accessible taxi/larger taxi vehicle drivers be permitted to pick up regular fare-paying jobs between services;

(9) Will Nightlink services be structured around set timetables or will it be an on-demand service;

(10) Has the ACT Government identified the locations where Nightlink ranks will be situated

(11) Will Nightlink ranks be specially marked for easy identification and be equipped with comprehensive service information;

(12) What is the fare structure of the Nightlink scheme;

(13) How will passengers pay Nightlink fares;

(14) What zones have the ACT Government identified as being appropriate to make the Nightlink scheme feasible, both in terms of patronage as well as operator profitability.

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

1. The ACT Government, Aerial Consolidated Transport Limited, the Nightlink taxi operators and the Australian Hotels Association all have costs associated with Nightlink and therefore it is not possible to give the total operating cost.

2. The proposed expenditure from commencement of the scheme until 30 June 2012 is:

Costings Summary	**2007-08 $'000's**	**2008-09 $'000's**	**2009-10 $'000's**	**2010-11 $'000's**	**2011-12 $'000's**
Security Guards (7 months 07/08)	61	104	104	104	104
Taxi Subsidy (7 months 07/08 and 5 months in 08/09)	146	104			
Lighting, Signage, Kerb Access	100				
Camera Installation		200			
Camera Repairs and Maintenance		16	16	16	16
Marshals (7 months 07-08)	20	30	30	30	30
	327	**454**	**150**	**150**	**150**

3. See answer to Question 2.

4. See answer to Question 2.

5. The Nightlink taxi rank will have security guards as well as upgraded security camera surveillance.

6. No.

7. 50%.

8. Nightlink taxis will be used exclusively to provide the Nightlink service on Friday and Saturday nights.

9. Nightlink will be an on-demand service on Friday and Saturday nights.

10. Yes.

11. Yes.

12. The Nightlink fares are as follows:

Zone	One person ($)	Small group (2 pax) ($)	Large group (5 or more) ($)
1A	5	7	13
1	7	9	16
2A	9	11	19
2	11	13	23
3A	12	14	25
3	14	17	29
4A	15	18	32
4	18	21	35
5A	19	23	38
5	22	26	42
6A	24	28	45
6	27	32	50
7	32	37	55
8	38	43	60

13. Passengers will pay cash to the driver before the start of the journey. The driver will have some discretion about accepting electronic payments in circumstances where such payments will not necessarily delay other passengers (eg if a large group pays by one electronic payment only).

14. The following zones have been used for the purpose of setting the fares:

Zone	Suburb/Destination
1A	Acton, ANU, Braddon, Reid, Turner
1	ADFA, Ainslie 1, Campbell, Duntroon
2A	O'Connor 1, Parkes
2	Ainslie 2, Dickson, Downer, Lyneham, O'Connor 2, Hackett, Barton, Forrest, Yarralumla, Deakin, Griffith, Manuka, Kingston
3A	Watson, Mitchell, Aranda, Bruce
3	Kaleen, Page, Weetangera, Red Hill, Narrabundah, Fyshwick
4A	Franklin, Harrison, Giralang, Lawson, Belconnen, Macquarie, Cook, Curtin, Hughes, Garran, Phillip, Lyons, Pialligo
4	Gungahlin, Palmerston, Nicholls, Hall, McKellar, Florey, Scullin, Higgins, Hawker, Chifley, Pearce, Torrens, Mawson, Farrer, Isaacs, O'Malley, Symonston
5A	Latham, Flynn, Spence, Evatt, Melba, Weston, Holder, Duffy, Waramanga, Stirling
5	Ngunnawal, Amaroo, Forde, Bonner, McGregor, Holt, Dunlop, Charnwood, Fraser, Oaks Estate, Chapman, Fisher, Rivett, Hume
6A	Kambah, Wanniassa, Queanbeyan East
6	Oxley, Greenway, Monash, Monash, Gowrie, Fadden, Macarthur, Gilmore, Chisholm, Jerrabomberra, Queanbeyan South
7	Bonython, Isabella Plains, Richardson, Calwell, Theodore
8	Gordon, Conder, Banks

Bushfires—fire towers (Question No 1853)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 13 February 2008:

(1) How many and on what days were total fire ban days recorded for the bushfire season 2007-08 to date;

(2) On what days were fire towers manned for the bushfire season 2007-08 to date;

(3) Which fire towers were manned and for what times were they manned.

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

(1) There has been one total fire ban declared so far for the 2007-2008 bushfire season on 3 October 2007.

(2) The days fire towers were manned for the 2007-2008 bushfire season to date are shown in the table below.

(3) Refer to the readiness level in the table below and the accompanying notes.

Date	Readiness Level
3 October 2007	Red
4 October 2007	Yellow
5 October 2007	Yellow
11 October 2007	Yellow
12 October 2007	Blue
13 October 2007	Blue
14 October 2007	Blue
15 October 2007	Yellow
16 October 2007	Yellow
17 October 2007	Blue
18 October 2007	Blue
19 October 2007	Yellow
20 October 2007	Orange
21 October 2007	Orange
22 October 2007	Orange
23 October 2007	Blue
24 October 2007	Blue
27 October 2007	Blue
28 October 2007	Blue
29 October 2007	Blue
30 October 2007	Yellow
31 October 2007	Yellow
1 November 2007	Blue
13 November 2007	Blue
14 November 2007	Blue
15 November 2007	Blue
16 November 2007	Blue

17 November 2007	Blue
18 November 2007	Blue
19 November 2007	Blue
20 November 2007	Blue
21 November 2007	Blue
6 January 2008	Blue
7 January 2008	Blue
8 January 2008	Blue
9 January 2008	Blue
10 January 2008	Blue
11 January 2008	Yellow
12 January 2008	Yellow
13 January 2008	Orange
14 January 2008	Yellow
15 January 2008	Yellow
Date	Readiness Level
16 January 2008	Yellow
17 January 2008	Blue
18 January 2008	Blue
25 January 2008	Blue
26 January 2008	Blue
27 January 2008	Yellow
28 January 2008	Yellow
29 January 2008	Yellow
30 January 2008	Yellow
31 January 2008	Blue
1 February 2008	Blue

a. On blue readiness, One Tree Tower, Tennant Tower and Kowen are manned between 1130 and 1730 (EDST) or 1630 (EST)[1].

b. On Yellow Readiness, One Tree Tower, Tennant Tower, Kowen Tower and Coree are manned between 1100 or 1800 (EDST) and 1700 (EST)[1].

c. On Orange Readiness, One Tree Tower, Tennant Tower, Kowen Tower and Coree are manned between 1100 or 1900 (EDST) and 18 00 (EST)[1].

d. For the single day of Red Readiness, Kowen, Tennant Tower and Coree were manned between midday and 1715 (EST).

[1] The number of towers or stand up times may be varied by the ESA Commissioner or Deputy Commissioner Fire and Rescue due a number of prevailing conditions including weather changes.

Crime—assaults (Question No 1854)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 13 February 2008 *(redirected to the Attorney-General)*:

(1) How many assaults have been recorded at Bunda Street and Alinga Street each month since June 2007;

(2) How many charges have been laid relating to those assaults outlined in part (1) at Bunda Street and Alinga Street each month since June 2007.

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

(1) Since June 2007, a total of 59 assaults have been recorded at Bunda Street and Alinga Street in Civic. The breakdown is as follows:

Month	Total
June 07	7
July 07	4
Aug 07	3
Sept 07	9
Oct 07	1
Nov 07	5
Dec 07	8
Jan 08	14
Feb 08	8

(2) There have been a total of 18 apprehensions in relation to these assaults, resulting in a total of 19 charges being laid. Since June 2007.

Public service—advertising (Question No 1874)

Mrs Burke asked the Minister for Health, upon notice, on 14 February 2008:

(1) What promotional activities, publications and advertising in any media have been undertaken by (a) the department, (b) the Minister's Office or (c) any other office or agency on behalf of the Department or Minister's office in the 2007-08 financial year to date;

(2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency, (b) the Minister's office, (c) another Minister's office or (d) another agency/department;

(3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department on behalf of the Minister or the department/agency;

(4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;

(5) How much has been allocated both within the Minister's office and the department/agency for these activities in the 2007-08 financial year to date.

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

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—advertising (Question No 1876)

Mrs Burke asked the Minister for Housing, upon notice, on 14 February 2008:

(1) What promotional activities, publications and advertising in any media have been undertaken by (a) the department, (b) the Minister's Office or (c) any other office or agency on behalf of the Department or Minister's office in the 2007-08 financial year to date;

(2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency, (b) the Minister's office, (c) another Minister's office or (d) another agency/department;

(3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department on behalf of the Minister or the department/agency;

(4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;

(5) How much has been allocated both within the Minister's office and the department/agency for these activities in the 2007-08 financial year to date.

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

1. After careful consideration of the questions, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

Housing ACT—properties (Question No 1878)

Mrs Burke asked the Minister for Housing, upon notice, on 14 February 2008:

(1) Can the Minister explain exactly what re-alignment of public housing stock occurred in 2006-07 in accordance with the Public Housing Management Asset Management Strategy 2003-2008;

(2) Can the Minister provide details on how many public housing properties were sold in (a) 2005-06, (b) 2006-07 and (c) 2007-08 to date, including details as to what type of dwellings and in which suburbs;

(3) What works were carried out to repair malicious damage to public housing properties during (a) 2004-2005, (b) 2005-2006, (c) 2006-2007 and (d) 2007-08 to date;

(4) Can the Minister give exact details of the $430 000 worth of insurance works to be completed to 350 public housing properties during 2006-2007;

(5) What are the details of the number of properties that currently remain vacant in the ACT including (a) in what suburbs, (b) the average length of time such properties remain vacant and (c) for what reasons such properties remain vacant;

(6) What is the current status of the former Fraser Court multi-unit complex site in Kingston.

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

(1) The major re-alignment of property types occurred through the sale of properties that are no longer suitable for public housing either through their age, condition or location etc. Using funds received from the sale of properties and the capital injections from Government, properties are acquired that are more suited to house clients on the public housing Applicant list. Many of these properties are larger four or more bedroom properties or smaller one or two bedroom houses and units.

(2) The details of the properties sold in each of the years 2005-06, 2006-07 and 2007-08 are at **Attachment A** for the location of the property sales and **Attachment B** for the dwelling types sold.

(3) The cost of repairs for malicious damage largely relates to the removal of graffiti and clean up as a result of vandalism at the multi unit properties. A minor amount relates to other properties. The amount paid for the removal of graffiti and clean up at the multi-unit properties was $0.156m in 2004-05, $0.072m in 2005-06. $0.171m in 2006-07 and $0.201m for 2007-08 to February 2008.

(4) The $0.430m insurance works in 2006-07 relates to damages incurred in the storms on 31 December 2006, 10 February 2007 and 27 February 2007. Most of the work related to hail damage and damages from water ingress into properties as a result of these storms.

(5) At 3 March 2008 there were 390 vacant properties. These properties are located throughout the ACT and include multi-unit properties that are currently being redeveloped. The figure includes:

Routine vacant properties	135
Properties to be demolished	5
Properties awaiting/undergoing redevelopment	194
Properties awaiting sale	8
Vacant properties under review	7
Newly vacated properties	22

The average time taken to complete maintenance when a property is vacated is currently approximately 26 days.

(6) The sales process for Fraser Court will commence in March 2008.

(Copies of the attachments are available at the Chamber Support Office).

Public service—focus groups (Question No 1889)

Mr Seselja asked the Minister for Education and Training, upon notice, on 14 February 2008:

(1) How many public focus groups were conducted through your department in the 2007-08 financial year to date;

(2) When were they held and what was the nature of each focus group;

(3) What was the cost to conduct these focus groups;

(4) How much, if anything, were focus group participants paid to attend

(5) Where can Members get the details and findings of these publicly funded focus groups.

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

(1) 14.

(2) (a) The focus groups were held on the following dates:

School	Dates
Isabella Plains	14 August 2007 4 September 2007
Lyons	21 August 2007 22 August 2007 5 September 2007 11 September 2007
Narrabundah	21 August 2007 21 August 2007 29 August 2007 29 August 2007
Southern Cross	14 August 2007 15 August 2007 31 August 2007 12 September 2007

(b) The nature of these groups was to inform the development and design of the early childhood schools.

(3) Each focus group cost $350 for the facilitator. Total cost $4 900.

(4) Participants were not paid to attend.

(5) Feedback is being incorporated into the early childhood schools framework and building design.

Public service—advertising (Question No 1899)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 14 February 2008:

(1) How much will be spent in the 2007-08 financial year to date on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/ department or Minister's office on behalf of the Minister or the department/agency

(3) Did the Minister or the Minister's office approve the publication in each case;

(4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

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

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—advertising (Question No 1900)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 14 February 2008:

(1) How much will be spent in the 2007-08 financial year to date on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/ department or Minister's office on behalf of the Minister or the department/agency

(3) Did the Minister or the Minister's office approve the publication in each case;

(4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

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

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

Public service—focus groups (Question No 1902)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 14 February 2008 *(redirected to the Attorney-General)*:

(1) How many public focus groups were conducted through the area of policing in the 2007-08 financial year to date;

(2) When were they held and what was the nature of each focus group;

(3) What was the cost to conduct these focus groups;

(4) How much, if anything, were focus group participants paid to attend;

(5) Where can Members get the details and findings of these publicly funded focus groups.

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

I have been advised by the AFP that during the 2007-08 financial year there were no public focus groups conducted through the area of policing.

Public service—consulting services (Question No 1904)

Mr Stefaniak asked the Attorney-General, upon notice, on 14 February 2008:

(1) How much was spent on consulting services for your department in the 2007-08 financial year to date;

(2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

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

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question. I note that information on the use of consultants is routinely provided in agencies' annual reports.

Health—continence support (Question No 1905)

Mr Mulcahy asked the Minister for Health, upon notice, on 14 February 2008:

(1) Was the decision to discontinue the ACT Continence Support Scheme and the later decision to reintroduce this scheme in July 2008 an error;

(2) How does the offer of $200 in interim funding to those people needing continence assistance compare with the amount of money that has been lost by those people previously receiving support from the scheme;

(3) Has the Government contacted all of those people who have been affected by the loss of the scheme to inform them of how they can claim interim assistance;

(4) What has happened to the money that the Government has saved from the discontinuation of this scheme and is that money still available to assist people who were previously receiving support from the scheme;

(5) Will the Government consider offering further compensation to ensure that those people who were previously receiving support from the scheme are adequately supported under the reintroduction of the scheme and in the interim.

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

(1) The decision by ACT Health to discontinue the ACT Continence Support Scheme was an error.

The ACT Scheme was discontinued on the understanding that the Commonwealth's expanded Continence Aids Assistance Scheme (CAAS) would provide comparable levels of assistance to a greater number of ACT residents upon introduction of new criteria on 1 July 2007. This was incorrect.

Following feedback from clients ACT Health has decided to re-establish the original scheme.

This means that clients will contribute $23.50 per quarter to purchase heavily subsidised continence products through the ACT scheme. This is exactly the same amount that they contributed under the old scheme.

The value of the products provided to clients differs on an individual basis with this scheme, as it is based on clinical need and the nature of the referral to the service.

(2) ACT Health were initially considering the introduction of a rebate scheme for users of continence products in the ACT.

However, considerable feedback from clients has resulted in the re-establishment of the original scheme.

This means that clients will contribute $23.50 per quarter to purchase heavily subsidised continence products through the ACT scheme. This is exactly the same amount that they contributed under the old scheme.

The value of the products provided to clients differs on an individual basis with this scheme, as it is based on clinical need and the nature of the referral to the service.

(3) All former clients of the service have been advised, by letter, of the re-introduction of the scheme. Referring agents, such as General Practitioners, are also being advised so that new clients can be referred.

(4) The $140,000 budget allocated to the former ACT Continence scheme remains in the budget for the service and will be used to re-establish the scheme.

(5) The scheme has been re-established. See earlier response.

Housing ACT—aged persons (Question No 1906)

Mrs Dunne asked the Minister for Housing, upon notice, on 14 February 2008:

(1) Where are ACT Housing's accommodation for aged persons, 60 years of age and over, located in the ACT;

(2) How many properties, if any, does ACT housing have which are dedicated for aged persons;

(3) How many of ACT Housing properties are currently occupied by aged persons;

(4) Is there a current waiting list dedicated to aged persons accommodation in the ACT; if so, what is the waiting time at present and how many people are on it;

(5) How many outstanding maintenance calls are there for ACT Housing properties dedicated to aged persons or ACT Housing properties currently occupied by aged persons;

(6) Are there any current plans to refurbish or redevelop any ACT Housing properties dedicated to aged persons and if so where are they and when will this occur.

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

1. Housing ACT aged persons accommodation is located in suburbs throughout the ACT.

2. Housing ACT has 1217 Older Persons Units and 258 Aged Persons flats.

3. There are 3409 properties currently occupied by a person 60 or more years of age.

4. Housing ACT has two types of accommodation specific to aged person within the Applicant list. They are:

   - Aged Persons Flats - applicants must be 45+ years to be eligible
   - Older Persons Units - applicants must be of pension age (63 years for females and 65 years for males). Discretion may be granted in exceptional circumstances to house applicants from late 50's, if the they are able to demonstrate chronic health issues causing severe hardship, relative to the other applicants on the Housing register, that cannot be alleviated by any other means.

   There is no specific waiting time for aged persons accommodation.

   However at 6 March 2008:

4 applications were approved for Priority Housing;
56 applications were approved for High Needs Housing;
54 applications are approved for Standard Housing.

The waiting times published on the Department of Disability, Housing and Community Services Internet site indicates waiting times and include applicants on the general waiting list.

5. There are currently 364 maintenance requests for aged care properties recorded on Housing ACT's database. Of which 180 should be completed within the target response time and 184 are overdue. The overdue work orders include work orders where contractors are awaiting material or parts and where contractors are unable to gain access to carry work.

6. Housing & Community Services is redeveloping the Hartigan Gardens older persons complex site in Garran. A Development Application (DA) was lodged in late 2007 and the department is awaiting an overdue determination. It is anticipated that when the DA is approved tenders will be called for the construction works. Funds are allocated in the current years program to fund this redevelopment project.

Public service—advertising (Question No 1910)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 4 March 2008:

(1) What promotional activities, publications and advertising in any media have been undertaken by the (a) department, (b) the Minister's Office or (c) any other office or agency on behalf of the Department or Minister's office in the 2007-08 financial year to date;

(2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency, (b) the Minister's office, (c) another Minister's office or (d) another agency/department;

(3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department on behalf of the Minister or the department/agency;

(4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;

(5) How much has been allocated both within the Minister's office and the department/agency for these activities in the 2007-08 financial year to date.

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

I am not prepared to authorise the use of very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—procurement guidelines (Question No 1918)

Dr Foskey asked the Speaker, upon notice, on 4 March 2008:

(1) Is the Speaker aware of guidelines for Sustainable Procurement issued by the ACT Government Procurement Board in November last year;

(2) Is the Assembly required to follow these guidelines; if not, does the Assembly have an independent set of guidelines.

Mr Speaker (Mr Berry): The answer to the member's question is as follows:

(1) Yes, I am aware of the guidelines issued in November last year. Procurement undertaken by the Secretariat has complied with these guidelines and, prior to that date, procurement complied with the guidelines for Environmentally Sustainable Procurement first issued in June 2002.

(2) The Assembly (Secretariat) is not a Government agency and therefore the guidelines do not explicitly apply to the Assembly Secretariat. However, it has always been the practice of the Assembly Secretariat to follow guidelines that apply to government agencies, unless to do so would undermine the independence of the Assembly from the Executive.

Nolan Gallery (Question No 1919)

Mr Mulcahy asked the Minister for the Arts, upon notice, on 4 March 2008:

(1) What progress has been made in discussions with the Commonwealth Government in relation to the future of the Nolan Gallery and Collection;

(2) On what dates were discussions held;

(3) Who attended the discussions;

(4) Is a date expected for the finalisation of discussions and a decision.

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

(1) Discussions were held recently between officers of the Cultural Facilities Corporation and officers of the Territories and Native Title Division of the Commonwealth Attorney General's Department, which has portfolio responsibility for ACT matters, including the Nolan Collection. The discussions were held in order to assist the officers of the Attorney General's Department in preparing an options paper regarding the future of the Nolan Collection, for the Hon Bob Debus MP, Minister for Home Affairs.

(2) The discussions were held on 5 February 2008.

(3) The following officers attended the discussions. For the Cultural Facilities Corporation : Ms Harriet Elvin, Chief Executive Officer and Mr Peter Haynes, Director, ACT Museums and Galleries. For the Attorney General's Department : Ms Kathy Smith, Assistant Director within the Territories and Native Title Division and Ms Fareesha O'Shea, Project Officer within the Territories and Native Title Division.

(4) Since the timing of discussions being finalised and a decision being made is a matter for the Commonwealth Government, an expected date is not known at this stage.

Transport—high speed rail (Question No 1920)

Mr Mulcahy asked the Minister for Territory and Municipal Services, upon notice, on 4 March 2008:

(1) Have any discussions been undertaken with neighbouring jurisdictions or any other parties in relation to the creation of a high speed rail link between Canberra and Sydney;

(2) Has the Government considered giving support to such a project; if so, what work has been done to determine the feasibility and the cost.

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

1. The ACT, NSW and the Commonwealth Governments undertook an extensive investigation of high speed rail in the late 1990s following a proposal from the Speedrail Consortium. The Governments invited proposals from a number of consortia, which included Speedrail, the MagLev Consortium and manufacturers of tilt train technology. Although the ACT supported development of a high speed train, its construction depended on NSW and Commonwealth funding. The Commonwealth undertook its own evaluation in 2002 and determined that it was not prepared to fund this development.

   The ACT Government has not received any specific proposals since this time and has not had any discussions with neighbouring jurisdictions.

2. The ACT Government has considered development of a very high speed train and continues to support its development, provided that any new proposal meets the requirements of the ACT, NSW and Commonwealth Governments. However, no further work has been undertaken since the late 1990s.

Prices—utilities (Question No 1923)

Dr Foskey asked the Attorney-General, upon notice, on 4 March 2008:

To what extent does the ACT Government ensure that the Independent Competition and Regulatory Commission takes social issues into account when preparing their reports on utilities pricing, especially water and electricity.

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

The Independent Competition and Regulatory Commission regulates the pricing of water, electricity and sewerage services under the provisions of its enabling legislation the *Independent Competition and Regulatory Commission Act 1997 (the Act).*

Section 20 (Directions about prices) of the Act sets out a number of matters to which the Commission must have regard in making a decision on the level of prices for services. These matters include "the social impacts of the decision" (s 20(2)(g)).

When terms of reference are prepared for an inquiry, the government may amplify requirements for matters that must be taken into account. For example, the terms of reference for the current review of water and wastewater services pricing issued in February 2007 (Disallowable Instrument 2007-65) require the Commission, in arriving at its decisions in relation to the price direction, to have regard for ACTEW's objectives under the *Territory-owned Corporations Act 1990*. ACTEW's objectives include showing "a sense of social responsibility by having regard to the interests of the community in which it operates, and by trying to accommodate or encourage those interests".

Industry references for an investigation are subject to robust statutory provisions for public processes which enable the community and all stakeholders, including the government, to raise matters with the Commission.

Section 18 of the Act provides that a draft report must be prepared and made publicly available. The Commission must invite interested people to submit written comments about the draft report within a period of not less than 20 days. The Commission is required to take any written comments into consideration in the preparation of its final report. Following the release of a draft report, it is the Commission's practice to hold public hearings in relation to major reviews. The hearings further enable the members of the public to raise matters and to hear the views of others.

Alexander Maconochie Centre (Question No 1924)

Dr Foskey asked the Attorney-General, upon notice, on 4 March 2008:

(1) What are the terms of reference for the Community Advisory Group for the Alexander Maconochie Centre (AMC);

(2) Who will be the members of the Community Advisory Group and how many members will there be;

(3) Was the Chaplains Society approached to provide pastoral care or spiritual guidance for the AMC?

(4) Will the Chaplains Society have any involvement with the prisoners;

(5) Will there be any supervised contact between the male and female prisoners of the AMC, with the aim of improving transition for prisoners,

(6) How did the ACT Government choose the education provider for the AMC;

(7) What special qualities or skills does the chosen education provider bring to the AMC;

(8) Is the ACT Government considering ways to let interested and skilled community members work with the prisoners in the AMC.

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

(1) The terms of reference for the AMC Community Reference Group are currently in draft form. The draft terms of reference are:

- to receive regular briefings from the Superintendent and senior staff of the AMC on the operations of the AMC;
- to provide comment to the Superintendent, as appropriate;
- to identify gaps in the provision of services from the community sector;
- to provide advice, practical input and support in relation to prisoner programs, rehabilitation, and the re-integration of prisoners back into the community; and
- to disseminate relevant information about the prison and its operation to community groups.

(2) The membership of the Community Reference Group will comprise representatives of ACT community organisations. In total, there will be 22 members.

(3) Yes

(4) Yes

(5) At this stage, there is no intention to integrate male and female prisoners in any kind of activity.

(6) The Vocational Education and Training (VET) provider for the AMC was chosen through a competitive open tender process.

(7) The chosen provider, Auswide Projects, specialises in assisting disadvantaged learners and job seekers including offenders to access information, gain skills, attain qualifications, participate in work experience and secure employment through a range of VET, employment and transitional support services.

Auswide is well experienced in delivering customised training to match labour market dynamics, workplace priorities and learner needs. They have particular skill working with people who demonstrate complex barriers to learning and employment such as substance abuse, psychological and behavioural problems. Auswide has expertise in cross-disciplinary Case Management and working with Indigenous people and communities.

(8) Yes

Rhodium Asset Solutions Ltd—sponsorships (Question No 1926)

Mr Mulcahy asked the Chief Minister, upon notice, on 4 March 2008 *(redirected to the Treasurer)*:

(1) What is Rhodium Asset Solutions current policy on sponsorships;

(2) How many sponsorship arrangements is Rhodium currently committed to;

(3) What is the value of these sponsorships.

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

(1) The current policy on sponsorships is summarised as follows:

(a) Sponsorship must be consistent with the values, corporate purpose and goals of Rhodium.

(b) Rhodium staff must not individually benefit as a result of sponsorship.

(c) The benefits of a sponsorship must go to Rhodium or the ACT community region.

(d) Sponsorships will be considered if they:

(i) target a significant group with economic benefits flowing on to Rhodium; or

(ii) provide national media coverage and thus assist in branding Rhodium; or

(iii) highlight Rhodium as a model corporate citizen through assisting those in need; or

(iv) provide contra business opportunities.

(e) The Chief Executive Officer must:

(i) maintain accurate copies of all sponsorship agreements;

(ii) advise the Board of all sponsorships at the outset of formal negotiations;

(iii) ensure that details of sponsorship income and expenditure are forwarded to the Board in a report outlining how each sponsorship has benefited Rhodium.

(f) Sponsorship applicants will be provided with a copy of Rhodium's sponsorship guidelines before they submit a sponsorship proposal.

(2) Rhodium has two major sponsorships with the Brumbies and the ACT Association for Advancing Disabled Sport (ACTAADS), as well as three minor advertising sponsorships.

(3) Rhodium provides to the Brumbies eleven fully maintained motor vehicles, including registration, insurance, maintenance, servicing and other running costs. The total lease and running costs have been estimated at $150,000 pa. Rhodium also provides ACTAADS with an annual cash donation of $20,000 and has agreed to explore the development of an annual fundraising event. In addition Rhodium has paid a total amount of $1,291.50 for advertisements to appear in the ACT Police Citizens Youth Clubs "Street Smart Handbook for School Leavers", the AFP Federation Bi-Annual journals and the Australian Firefighters journal.

Housing—Indigenous (Question No 1929)

Mr Seselja asked the Minister for Indigenous Affairs, upon notice, on 4 March 2008:

(1) What funds have been (a) provided for indigenous housing by the ACT Government for (i) 2002-03, (ii) 2003-04, (iii) 2004-05, (iv) 2005-06 and (v) 2006-07 and (b) budgeted for indigenous housing by the ACT Government for 2007-08;

(2) What funds have been provided or budgeted for indigenous housing in the ACT by the Federal Government in each of the years listed in part (1);

(3) Which organisations receive funds to provide housing for indigenous people in the ACT;

(4) What arrangements are in place to ensure appropriate coordination in the utilisation of the funds provided by the Federal and ACT Governments for indigenous housing in the ACT;

(5) What processes are in place to ensure the appropriate acquittal of the funds provided by the ACT Government for indigenous housing;

(6) What evaluation of programs under which funding is provided for the provision of housing for indigenous people in the ACT has been undertaken; if evaluation has taken place, what have been the outcomes; if there have not been any evaluations, why not.

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

(1) Funds specifically identified and budgeted for indigenous housing assistance provided by the ACT Government were:

i. 2002-03 $0.350m
ii. 2003-04 $0.350m plus funding of $3.2m was identified from the $33.2m 3rd Appropriation for the implementation of an Indigenous boarding house network
iii. 2004-05 $0.350m
iv. 2005-06 $0.350m
v. 2006-07, 2007-08 and 2008-09 of the $10m identified in the 2006-07 Budget for expanding public housing, $1.5m was earmarked for expanding housing for Indigenous families in the ACT.

(2) Funds provided to Housing ACT for Indigenous housing by the Australian Government were:

i. 2002-03 $Nil
ii 2003-04 $Nil
iii 2004-05 $Nil
iv 2005-06 $0.050m
v 2006-07 $0.439m
vi 2007-08 $0.439m

(3) Billabong Aboriginal Corporation and Inanna Inc are funded through the Supported Accommodation Assistance Program. Gugan Gulwan Youth Corporation and Winnunga Nimmityjah Housing Liaison Service are funded to provide outreach

programs. In addition, housing services for Indigenous people are provided through a range of mainstream services, including public housing. Housing ACT provides 212 tenancies in public housing under the Commonwealth State Housing Agreement (CSHA), including the ACT Indigenous Housing Bilateral Agreement 2006-08.

(4) The Commonwealth State Housing Agreement (CSHA), including the ACT Indigenous Housing Bilateral Agreement 2006-08.

(5) Funding under the CSHA is acquitted annually to the Australian Government. ACT funding is acquitted in line with the requirements of the Financial Management Act. Indigenous housing and support providers also report on their operations and acquit the funds provided to them by the Department of Disability, Housing and Community Services to fund their operations in accordance with their funding agreement/contract.

(6) Programs are evaluated from time to time to identify outcomes for the interested target group and opportunities for service improvements. A review of Winnunga Indigenous Housing Liaison Service in 2004 found that the service should be extended. A review was undertaken of the Dyirmal Migay accommodation service for young women and completed in June 2007. As a result the service voluntarily discontinued operations as at 30 June 2007.

Aboriginals and Torres Strait Islanders—funding (Question No 1930)

Mr Seselja asked the Minister for Indigenous Affairs, upon notice, on 4 March 2008:

(1) What programs (a) have been and (b) are being funded for indigenous communities through the Office of Children, Youth and Family Support in (i) 2002-03, (ii) 2003-04, (iii) 2004-05, (iv) 2005-06, (v) 2006-07 and (vi) 2007-08;

(2) What funds have been (a) provided for indigenous communities by the ACT Government in (i) 2002-03, (ii) 2003-04, (iii) 2004-05, (iv) 2005-06 and (v) 2006-07 and (b) budgeted for indigenous communities by the ACT Government for 2007-08;

(3) What funds have been provided or budgeted for indigenous communities in the ACT by the Federal Government in each of the years listed in part (1);

(4) Which organisations receive funds to provide community programs for indigenous people in the ACT;

(5) What arrangements are in place to ensure appropriate coordination in the utilisation of the funds provided by the Federal and ACT Governments for indigenous communities in the ACT;

(6) What processes are in place to ensure the appropriate acquittal of the funds provided by the ACT Government for indigenous communities;

(7) What evaluation of programs under which funding is provided for the provision of community programs for indigenous people in the ACT has been undertaken; if evaluation has taken place, what have been the outcomes; if there have not been any evaluations, why not.

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

After careful consideration of the question, and advice provided by my Department, I have determined that to answer the question in full would be a major task, requiring a considerable diversion of resources.

However, I would like to provide Mr Seselja with a few highlights on this Government's spending on Aboriginal and Torres Strait Islander community related programs and services since coming to office in 2001.

Since 2001, the Government has provided significant financial resources to support the delivery of a range of services and programs that will substantially improve the education, health, housing, justice, employment and well-being outcomes for Indigenous Canberrans.

Significant funding allocations have been made in recent years by this Government, in consultation with the local Indigenous community, for new services, programs and facilities, including:

- the establishment of the ACT *Aboriginal Justice Centre* ($1.4m);
- the establishment of a discrete functional unit – *Aboriginal and Torres Strait Islander Services* - to work towards addressing the over-representation of ATSI children and young people in care and protection and community youth justice systems ($2.3m);
- the substantial refurbishment of the *Aboriginal Cultural Centre* ($1.0m);
- a new *Indigenous Drug and Alcohol Residential Rehabilitation Service* ($10.8m);
- the significant expansion of housing capacity for Indigenous Canberrans ($4.5m);
- the development of a range of education initiatives to improve literacy and numeracy outcomes for Indigenous students who are not reaching their potential ($3.3m);
- the development and administration of the *Indigenous Traineeship Program* for young Aboriginal and Torres Strait Islanders to gain structured training and employment in the ACT Public Service ($0.020m);
- the establishment of an *Indigenous Elected Body*, through legislation, providing members of the local Indigenous community with the capacity for genuine representation ($0.700m).

Environment—weed control (Question No 1935)

Mrs Dunne asked the Minister for Territory and Municipal Services, upon notice, on 4 March 2008:

(1) How much (a) was spent in the financial years (i) 2001/02, (ii) 2002/03, (iii) 2003/04, (iv) 2004/05, (v) 2005/06 and (vi) 2006/07 and (b) is proposed to be spent in 2007-08 on the management, containment and eradication of weeds in the ACT;

(2) What techniques are used to manage weeds in the ACT;

(3) Does the Minister's department operate under particular protocols to limit the spread of weeds;

(4) Are their particular programs to alert the community to or to eradicate particular weeds or classes of weeds, for example woody weeds, serrated tussock and African love grass;

(5) What co-operation or partnerships are there between Environment ACT and landholders, community groups, and contractors to eradicate weeds.

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

1. The ACT government spent the following amounts on weed control from 2001-02 to 2007/08.

   This includes weed contracts managed by Parks, Conservation & Lands and weed control undertaken by field staff.
   2001-02 $1.32m
   2002-03 $0.71m
   2003-04 $1.13m
   2004-05 $2.29m
   2005-06 $1.49m
   2006-07 $1.68m
   2007-08 $1.77m (estimate)

2. The Act Government encourages the use of integrated pest management to control weeds in the ACT.

   Non-herbicide control includes slashing thistles before they set seed, grazing eg using sheep to graze St John's wort rosettes during winter, moving livestock from paddocks before overgrazing occurs, encouraging leaseholders through land management agreements to practice rotational grazing, encouraging vehicle hygiene when vehicles move from weed infested sites to relatively weed free areas, and thorough wash down of Parks and Reserves slashers between reserves.

   Herbicide control includes: use of Quick-spray units on vehicles for spot and boom spraying, knapsacks and portable quick-spray units for weed control in inaccessible areas, aerial spraying in some of the former forestry areas, and frill stem inject and cut and paint for weed tree control, eg. willows.

3. The ACT has a weeds strategy, which is currently being updated, for setting objectives and goals. This complements the Federal Government's strategies for control of weeds of national significance.
   Schedule 1 of the Pest Plants and Animals Act lists whether a declared pest plant is notifiable, prohibited, must be suppressed or contained. Staff conduct spot checks on plant nurseries to ensure that they are not trading declared pest plants and thus spreading weed species.

   There is also annual prioritisation of weed control work in high conservation value areas and the most invasive weed species are targeted first. For example, serrated tussock control in Gungahlin and Jerrabomberra grasslands. In addition new infestations of invasive weeds are given highest priority to avoid weed free areas becoming degraded.

   There are also standard operating procedures for vehicle hygiene, herbicide storage and record keeping, and use of weed spraying equipment. New staff are made aware of the

ways weed seed can move between areas if vehicles and equipment are not kept clean. Parks Ranger staff also enforce a clean vehicle policy for contractors.

4. Under the Pest Plants and Animals Act 2005 there is the provision for Pest Plant Management Plans. These are written to assist land managers meet their weed control obligations. An example is the draft Mexican feather grass pest plant management plan. A weed alert flyer has also been produced for the control of this notifiable and prohibited weed. This is being distributed to land managers across Canberra. Parks, Conservation & Lands staff also run information sessions for staff, Parkcare volunteers and rural leaseholders. There are also free brochures such as 'Garden Plants Going Bush' and there will be a new booklet published in conjunction with the plant nursery industry called 'Grow-Me-Instead' to encourage the use of non-invasive garden plants.

   There have also been field days looking at serrated tussock and Chilean needle grass control. These have been attended by both Parks, Conservation & Lands staff, rural leaseholders, contractors, and neighbouring local and state government staff.

5. The Parkcare and Urban Landcare programs have been very successful in working in partnership with Parks, Conservation & Lands (PCL) tackling weed issues. For example the Red Hill Parkcare group (Red Hill Regenerators) has worked with the Parks staff to halt the spread of St John's Wort and Chilean needle grass into areas where the nationally endangered native daisy, the Button Wrinklewort, grows.

   Most of the weed control work in the ACT is done by contractors. These contracts are managed by Parks, Conservation & Lands Rangers and Technical Officers.

   In the rural area Parks Conservation & Lands undertakes roadside weed spraying of invasive weeds to complement weed control activities on neighbouring rural leases. It is often from road edges, which are highly disturbed sites, that invasive weeds like African lovegrass can establish and then move into neighbouring land.

Environment—photovoltaic arrays (Question No 1939)

Mrs Dunne asked the Minister for Planning, upon notice, on 4 March 2008:

(1) How many photovoltaic arrays were (a) installed and (b) approved for installation on houses in Canberra on 29 February 2008;

(2) How many photovoltaic arrays were (a) installed and (b) approved for installation on houses in Canberra as at 31 December in (i) 2001, (ii) 2002, (iii) 2003, (iv) 2004, (v) 2005, (vi) 2006 and (vii) 2007.

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

(1) Under the *Land (Planning and Environment) Regulation, 1992* (Schedule 2, Item 10) the "*Installation, alteration or removal of an externally mounted photovoltaic panel*" is exempt from development and building approval provided that the exemption criteria detailed in the relevant Guidelines are complied with. I am therefore unable to provide any reliable statistics relating to either the installation of, or approvals for, photovoltaic panels.

(2) The ACT Planning and Land Authority does collect statistics on electrical installations under the *Electrical Safety Act, 1971*. A certificate of electrical safety must be provided to the Construction Occupations Registrar on completion of an electrical installation. These figures are indicative only as no approvals are required prior to the commencement of work.

The statistics up to and including 29 February 2008 for electrical work relating to photovoltaic panels are as follows:

YEAR	COUNT
2000	1
2001	0
2002	1
2003	1
2004	2
2005	0
2006	0
2007	69
2008	12

Whilst the above figures are indicative only they do suggest a significant increase in the installation of photovoltaic panels in the last two years.

Population—regional migration (Question No 1940)

Dr Foskey asked the Chief Minister, upon notice, on 5 March 2008:

(1) In relation to regional migration to the ACT, has any attempt been made to quantify intra-regional movements; if so, is this data available;

(2) Is there any assessment of the length of time such residents remain in Canberra;

(3) Are there any efforts to facilitate the movement of regional residents to Canberra, particularly for (a) students, (b) new entrants to the workforce and (c) people with a family member in hospital; if there are no efforts of this nature, is the Government considering making any, for example, providing hostel type accommodation for these groups.

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

(1) Data on intra-regional movements is available from the Australian Bureau of Statistics, catalogue No. 1344.8.55.001.

(2) No.

(3) (a) The Live in Canberra campaign includes information on the benefits of the ACT education system, including that it is recognised as the best in Australia, has the highest retention rate of students completing secondary schooling, and the highest percentage of students gaining entrance to university. The Live in Canberra website also includes a link to the Department of Education and Training website.

The Australian National University and the University of Canberra both provide on-campus accommodation for students. The accommodation is open to local, regional and international students.

(b) The *Live in Canberra* program does not directly target regional areas. However, the program does provide in-kind support to various companies and government departments which do target regional areas in their recruitment strategies. Most recently, we have provided in-kind support to ActewAGL and ACT Health who are attending various careers fairs to recruit graduates and skilled employees. *Live in Canberra* provides regular promotional material to our universities and CIT who actively recruit in regional Australia.

(c) For many years, ACT Health has provided substantial hostel-style accommodation at The Canberra Hospital campus for use by entitled members of the public from outside the Australian Capital Territory who are day patients or have family members in hospital. ACT Health also provides similar accommodation on a short-term temporary basis for new staff moving to the ACT from interstate or overseas; for junior doctors and other clinical persons from interstate or overseas, including those who are on short-term placement with ACT Health as part of their professional development or training.

Hospitals—overtime (Question No 1942)

Mrs Burke asked the Minister for Health, upon notice, on 5 March 2008:

What is the incidence of overtime amongst hospital nursing staff and doctors at Canberra's public hospitals.

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

Nurses

The average monthly overtime for nurses at The Canberra Hospital is in the order of 10 hours per month (2.5 hours per week) for nurses that have worked overtime. When considered against the total workforce for The Canberra Hospital, this represents an average of approximately 4 hours per month.

Nurse overtime at the Calvary Public Hospital in an average of 2.4 hours per FTE per week.

Doctors

Over the last 12 months the average monthly overtime for doctors at The Canberra Hospital has been approximately 44 per month (10 hours per week) for those that have worked overtime. When considered against the total workforce for The Canberra Hospital this represents an average of approximately 22 hours per month (5 hours per week).

Doctor overtime at the Calvary Public Hospital has been approximately 23.5 hours per month FTE over the last 2 months (5 hours per week) per FTE.

Health—autism
(Question No 1947)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 5 March 2008:

> Can the Minister provide an update of the progress of the implementations of the recommendations from the autism national best practice guidelines outlining which guidelines have been implemented to date.

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

> The autism best practice guidelines were developed by the Australian Government and have influenced the development of the Commonwealth initiatives for autism programs. Current practice of Therapy ACT is aligned with the key elements of these guidelines.

Housing ACT—tenant debt
(Question No 1950)

Mrs Burke asked the Minister for Housing, upon notice, on 5 March 2008:

(1) What is the current level of rental debt for Housing ACT tenants;

(2) How have the changes to the eligibility criteria, implemented in 2006, impacted upon market renters.

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

(1) As at 25 March 2008 the rental debt for Housing ACT tenants was $1,245,929.37 on 1,612 accounts.

(2) Changes to eligibility criteria have had no impact on market renters as they are targeted towards Housing ACT applicants.

Housing—Fraser Court
(Question No 1951)

Mrs Burke asked the Minister for Housing, upon notice, on 5 March 2008:

(1) Given that it was noted in the annual report hearings of 28 November 2007 that the target for properties undergoing refurbishment had not been reached, with a variance of minus 23.3%, has this outcome improved; if so, how; if not, why not;

(2) Can the Minister provide an update regarding the sale/redevelopment of the vacant former Fraser Court site in Kingston;

(3) Can the Minister advise the cost of the provision of security cyclone fencing for the Fraser Court site and stipulate, for what period of time, such fencing has been in place and who carries the cost for such fencing.

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

(1) The result for the target for properties undergoing refurbishment being re-let within agreed milestones for the half-year to December 2007 was 87.75. This represented a 27% improvement over the result for the year ended 30 June 2007 of 69%. The improved result is due to the re-engineering of the processes during 2006-07.

(2) The sales process for Fraser Court will commence in March 2008.

(3) The fencing around Fraser Court was erected in September 2007. Housing and Community Services met the cost of the fencing. The total cost of the fencing is approximately $8,400.

Housing ACT—complaints management (Question No 1952)

Mrs Burke asked the Minister for Housing, upon notice, on 5 March 2008:

(1) Is it a fact that the complaints management unit (CMU) handled 1 680 complaints for the 2006-07 financial year;

(2) Can the Minister advise for the 2006-07 financial year, how many complaints (a) were received from private tenants/owners/residents, (b) were received from public housing tenants, (c) were received for minor issues, for example, such things as dripping taps, (d) were received regarding anti-social behaviour and (e) have been received in the categories stated in part (a), (b), (c) and (d) from 1 July 2007 to date.

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

(1) Yes

(2) (a) The number of complaints received from private tenants/owners/residents was 548. There were also 371 anonymous complaints.
(b) The number of complaints received from Housing ACT tenants was 761. This includes people who reside in Housing ACT properties but are not tenants.
(c) Details of complaints are stored in Housing ACT's information management system. The system does not provide for complaints to be categorised as being minor or otherwise.
(d) 592 relate to disruptive behaviour.
(e) a) Private tenants/owners/residents = 465
Anonymous = 203
b) Housing ACT clients = 749
c) As indicated above, this information is not available.
d) 477 relating to disruptive behaviour.

Public service—focus groups (Question No 1955)

Mr Pratt asked the Minister for Multicultural Affairs, upon notice, on 5 March 2008:

(1) How many public focus groups were conducted through the Office of Multicultural Affairs in the 2007-08 financial year to date;

(2) When were they held and what was the nature of each focus group;

(3) What was the cost to conduct these focus groups;

(4) How much, if anything, were focus group participants paid to attend;

(5) Where can Members get the details and findings of these publicly funded focus groups.

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

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—consulting services (Question No 1956)

Mr Pratt asked the Minister for Multicultural Affairs, upon notice, on 5 March 2008:

(1) How much was spent on consulting services for the Office of Multicultural Affairs in the 2007-08 financial year to date;

(2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

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

(1) Information regarding Multicultural Affairs use of consultants will be available in the Department of Disability, Housing and Community Services 2007-08 annual report. There will also be a table listing all significant contractors and consultants by name.

(2) All new Government contracts executed after 1 October 2007 with a value of $20,000 and over, and prior to that date with a value of $50,000 or greater are published on the public register and included on the ACT Government website at: http://www.contractsregister.act.gov.au.

Public service—advertising (Question No 1957)

Mr Pratt asked the Minister for Multicultural Affairs, upon notice, on 5 March 2008:

(1) In relation to advertisements and promotion by the Office of Multicultural Affairs, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department, agency or administrative units, (c) another agency/ department/administrative unit or Minister's office on behalf of the Minister or the department/agency/administrative unit;

(3) Did the Minister or the Minister's office approve the publication in each case;

(4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency/administrative unit.

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

(1) After careful consideration of the questions, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

Public service—advertising (Question No 1958)

Mr Pratt asked the Minister for Multicultural Affairs, upon notice, on 5 March 2008:

(1) In relation to promotion activities of the Office of Multicultural Affairs, what promotional activities, publications and advertising in any media have been undertaken by (a) the department/agency, (b) the Minister's Office or (c) any other office or agency on behalf of the department/agency or Minister's office in the 2007-08 financial year to date;

(2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency, (b) the Minister's office, (c) another Minister's office or (d) another agency/department;

(3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department on behalf of the Minister or the department/agency;

(4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;

(5) How much has been allocated both within the Minister's office and the department/agency for these activities in the 2007-08 financial year to date.

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

(1) After careful consideration of the questions, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and

that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

Public service—advertising (Question No 1971)

Mr Stefaniak asked the Attorney-General, upon notice, on 5 March 2008:

(1) In relation to promotion activities of the Department of Justice and Community Safety, what promotional activities, publications and advertising in any media have been undertaken by (a) the department, (b) the Minister's Office or (c) any other office or agency on behalf of the department or Minister's office in the 2007-08 financial year to date;

(2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department, (b) the Minister's office, (c) another Minister's office or (d) another agency/department/administrative unit;

(3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department/administrative unit on behalf of the Minister or the department;

(4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;

(5) How much has been allocated both within the Minister's office and the department for these activities in the 2007-08 financial year to date.

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

I am not prepared to authorise the use of very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—focus groups (Question No 1972)

Mr Stefaniak asked the Attorney-General, upon notice, on 5 March 2008:

(1) How many public focus groups were conducted through the portfolio of Justice and Community Safety in the 2007-08 financial year to date;

(2) When were they held and what was the nature of each focus group;

(3) What was the cost to conduct these focus groups;

(4) How much, if anything, were focus group participants paid to attend;

(5) Where can Members get the details and findings of these publicly funded focus groups.

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

I am not prepared to authorise the use of very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—advertising (Question No 1973)

Mr Stefaniak asked the Attorney-General, upon notice, on 5 March 2008:

(1) In relation to advertisements and promotion conducted by the Department of Justice and Community Safety, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department, agency, (c) another agency/ department or Minister's office on behalf of the Minister or the department/agency;

(3) Did the Minister or the Minister's office approve the publication in each case;

(4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

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

I am not prepared to authorise the use of very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Roads—animal carcases (Question No 1975)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 6 March 2008:

(1) Are ACT roads inspected for kangaroo and other dead animal carcasses; if so, (a) how often and (b) who is responsible for carrying out such an activity; if not, why not;

(2) If rangers do not inspect ACT roads for kangaroo and other dead animal carcasses and rangers depend on community reports, how are removals prioritised and on what basis;

(3) Are there concerns about potential health implications of leaving carcasses to decay along roadways if removals are not carried out on a regular basis;

(4) Has the Government obtained legal advice on its position if a carcass is not removed promptly and becomes a dangerous obstacle to drivers and pedestrians or poses a health risk; if so, what is that advice;

(5) What is the average number of carcasses that have been removed each (a) day, (b) week, (c) month and (d) year in the ACT over the last three financial years;

(6) What is the (a) actual number of carcasses that have been removed and (b) cost per annum to the ACT for removal of these carcasses each year for the last three financial years.

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

1.
(a) ACT roads are not specifically inspected for kangaroos and other dead animal carcasses. Rather, this task is undertaken opportunistically as staff come into contact with them during the course of the day or if they are specifically referred to a spot location by a member of the public.

(b) The removal of roadside carcasses is undertaken by Rangers from Parks, Conservation and Lands, as a component of an Urban Wildlife Program.

2. The removal of carcasses is incorporated into the daily duties of Urban Wildlife Rangers. Carcasses encountered or reported as an immediate safety hazard (e.g. in the middle of a busy road) are targeted for removal as soon as practicable. Similarly carcasses in prominent public places such as high use town parks, civic centre areas, the parliamentary triangle, school playgrounds, residents' yards, ovals and child care centre grounds are targeted for removed within 24 hours of coming to the attention of rangers. Other carcasses in non-priority areas can often remain for longer.

3. No human health impacts known.

4. No legal advice has been sought on this issue.

5.
(a)Averaged over the last 32 months to Feb 08, approximately 1 17 carcasses per day
(b)Averaged over the last 32 months to Feb 08; approximately 8 19 carcasses per week
(c)Averaged over the last 32 months to Feb 08; approximately 35 6 carcasses per month
(d)Averaged over the last 32 months to Feb 08; approximately 427 carcasses per year.

6.
(a)The estimated total number of carcasses removed for the last 32 months to Feb 08 is 1 139.

(b)This activity forms one of many tasks carried out by Rangers and is not specifically costed.

Our City Our Community brochure (Question No 1976)

Mr Seselja asked the Chief Minister, upon notice, on 6 March 2008:

(1) How much did it cost to (a) develop, (b) print and (c) distribute the Our City Our Community brochure distributed in March 2008;

(2) How frequently will this brochure be published;

(3) How much has the Government budgeted for the future development, publication and distribution of this brochure.

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

1. The total cost of the brochure was $68,772, which included:
   (a) development - $4572;
   (b) printing and production - $39,100; and
   (c) distribution - $25,100.

2. It is intended to produce a similar brochure annually, in March each year. The 2008 issue was the fourth edition of the brochure.

3. $70,000 has been budgeted in 2008/09.

Public service—focus groups (Question No 1977)

Mr Seselja asked the Minister for Indigenous Affairs, upon notice, on 6 March 2008:

(1) How many public focus groups were conducted through the area of the Office of Aboriginal and Torres Strait Islander Affairs in the 2007-08 financial year to date;

(2) When were they held and what was the nature of each focus group;

(3) What was the cost to conduct these focus groups;

(4) How much, if anything, were focus group participants paid to attend;

(5) Where can Members get the details and findings of these publicly funded focus groups.

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

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—Indigenous employees (Question No 1978)

Dr Foskey asked the Chief Minister, upon notice, on 6 March 2008 *(redirected to the Treasurer)*:

(1) How many Aboriginal and Torres Strait Islanders are or have been employed by the Office of Revenue since 2001-02;

(2) How many of those outlined in part (1) have (a) made complaints about discrimination in the work place and (b) had their employment terminated;

(3) Does the ACT Government permit officers, who are subject to a grievance, being able to terminate the employment of an officer who lodged that grievance;

(4) Does the ACT Government permit managers in non-personnel related areas to investigate the work history and background of their superiors;

(5) Is the ACT Government of the view that a department should be bound by a response to a letter signed by a senior executive within that department who had authority to write and sign that letter.

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

Continuing resolution 10 of the Standing Orders states that cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question. As the Revenue Management Division has employed only one officer since 2001 2002 who has voluntarily identified themselves as being of Aboriginal or Torres Strait Islander descent, it is clear that this question on notice relates to the individual and matters that are the subject of criminal proceedings. There is no basis under the Standing Orders for these matters, and by implication the legal proceedings, to be referred to in a question. Accordingly, an answer cannot be provided.

Development—approvals (Question No 1980)

Dr Foskey asked the Minister for Planning, upon notice, on 6 March 2008:

(1) Can the Minister confirm that development approval under section 222 of the *Land (Planning and Environment) Act 1991* requires the processing of sections 229 and 230, as ruled in AT 06/58, ACTAAT 30, 17 October 2006;

(2) Are the same processing of sections 229 and 230 required for the approval under section 247 (amendments) of the Act;

(3) Can the Minister confirm that all approvals made under the *Buildings (Design and Siting) Act 1964* (BDSA) and the *Building Act 1972* remain with the dates of those approvals, and cannot be brought forward, as ruled in AT 06/58;

(4) Has the ACT Planning and Land Authority (ACTPLA) adjusted its processes to obey all the above Administrative Appeals Tribunal rulings;

(5) What is the status of all section 230 and 247 approvals that ACTPLA have incorrectly made under section 230 without the support of section 229;

(6) Will the Minister confirm that ACTPLA will now uphold Tribunal rulings AT 06/58, ACTAAT 30;

(7) What action will be taken in regard to previous ACTPLA decisions that do not conform to those rulings.

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

(1) The ruling in AT 06/58, ACTAAT 30, 17 October 2006 was that the Tribunal had no jurisdiction to hear and determine the application for review.

(2) No.

(3) See answer to question 1.

(4) See answer to question 1.

(5) I am not aware of any approvals having been made in error. If the Member is aware of any approvals made in error perhaps she could provide me with the specifics of those approvals.

(6) See answer to question 1.

(7) See answer to question 1.

Canberra International Sports and Aquatic Centre (Question No 1981)

Dr Foskey asked the Minister for Tourism, Sport and Recreation, upon notice, on 6 March 2008:

(1) Did the ACT Government contract with Sports Centre Australia (SCA) for the development of the Canberra International Sports and Aquatic Centre (CISAC) require that the centre be developed to meet international standards required for officially recognising swimming records; if so, does CISAC meet these requirements;

(2) If CISAC does not meet the requirements, what alterations would need to be made to CISAC to meet these international standards;

(3) If the contract did require that CISAC be developed to meet international standards, has CISAC been used to record official swimming results and times, in a manner consistent with the international standards for timekeeping in swimming, since commencing operation in 2004; if not, why not;

(4) Is the ACT Government still without receipt and recognition of a Public Interest Disclosure in regards to CISAC and SCA.

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

1. The Project Agreement between the Territory and Sports Centres Australia Pty Ltd (SCA) required that SCA provide certain "core facilities" which were as follows:

   (a) a heated 50 metre indoor pool with moveable bulkhead;
   (b) seating for 800 spectators;
   (c) timing equipment and public address system;
   (d) an aquatic pool incorporating water activities and which is convertible to a three lane 25 metre warm-up area.

   As such, it was not required to meet international standards for officially recognising swimming records. The centre was always envisaged as being a quality facility for meeting local ACT needs for competition and leisure swimming, a role it has performed satisfactorily.

2. The requirements of an international standard pool for competition as set out by FINA, swimming's international peak body, are extensive but the current configuration meets the minimum standard for a competition pool in terms of depth and length. Pools for major competition, such as those at the Australian Institute of Sport, are required to be a uniform depth of at least 2 metres. If a pool of this type had been required at CISAC, this would have severely compromised its value and usefulness as a community leisure pool. CISAC has a shallow end 1.3metres in depth. Without a shallow end of this configuration there would be a significant limitation on its capacity for accommodating a range of programs such as learn to swim and aqua aerobics.

3. See Question 1 – the pool was not required to meet international standards.

4. Public Interest Disclosures have been received and dealt with.

Public service—advertising (Question No 1983)

Mrs Burke asked the Minister for Health, upon notice, on 1 April 2008:

(1) In relation to advertisements and promotion, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/department or Minister's office on behalf of the Minister or the department/agency;

(3) Did the Minister or the Minister's office approve the publication in each case;

(4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

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

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—focus groups (Question No 1984)

Mrs Burke asked the Minister for Housing, upon notice, on 1 April 2008:

(1) How many public focus groups were conducted through the area of housing in the 2007-08 financial year to date;

(2) When were they held and what was the nature of each focus group;

(3) What was the cost to conduct these focus groups;

(4) How much, if anything, were focus group participants paid to attend;

(5) Where can Members get the details and findings of these publicly funded focus groups.

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

(1) The information will be provided in the 2007-08 Annual Report.

(2) The information will be provided in the 2007-08 Annual Report.

(3), (4) and (5) I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—advertising (Question No 1985)

Mrs Burke asked the Minister for Housing, upon notice, on 1 April 2008:

(1) In relation to advertisements and promotion, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/or a message from the Minister;

(2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/ department or Minister's office on behalf of the Minister or the department/agency;

(3) Did the Minister or the Minister's office approve the publication in each case;

(4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

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

1. After careful consideration of the questions, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and

that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

Public service—consulting services (Question No 1986)

Mrs Burke asked the Minister for Housing, upon notice, on 1 April 2008:

(1) How much was spent on consulting services for your department/agency in the 2007-08 financial year to date;

(2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

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

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Information regarding Housing ACT use of consultants is publicly available in its annual reports, with the total amount paid to contractors and consultants shown in the notes to the financial statements. There is also a table listing all significant contractors and consultants by name.

All new Government contracts executed after 1 October 2007 with a value of $20,000 and over, and prior to that date with a value of $50,000 or greater are published on the public register and included on the ACT Government website at: http://www.contractsregister.act.gov.au.

Insurance—third party (Question No 1997)

Dr Foskey asked the Treasurer, upon notice, on 1 April 2008:

(1) Why are disclosure statements for compulsory third party insurance policies not issued with vehicle registration;

(2) What accident situations are not covered by ACT compulsory third party insurance;

(3) Does the ACT Government keep statistics on compulsory third party insurance claims and payouts for accidents in which there are injuries; if so, how many people have been injured in car accidents in the last year who have not been entitled to claim under third party insurance;

(4) Is the ACT Government planning to amend compulsory third party insurance legislation to allow any injured parties to claim in situations where the driver may

have had an accident due to a sudden health related complaint, for example a heart attack or seizure.

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

(1) No product disclosure statement is required for compulsory third party (CTP) insurance policies in any Australian jurisdiction because CTP insurance is classed as a wholesale rather than a retail insurance product for the purposes of the relevant provisions of the *Corporations Act 2001* (Commonwealth). The terms of the ACT CTP policy are set out in section 5 of the *Road Transport (Third-Party Insurance) Regulation 2000*.

(2) CTP insurance indemnifies a motorist against liability for any bodily injury to another person. That indemnity arises only when there is negligence (commonly referred to as fault) on the part of the motorist. In any situation where fault cannot be established, claims made will not be sustained. Establishing fault is the cornerstone of negligence liability under the common law and the ACT CTP scheme invokes the common law and through that, the Courts as the independent arbiters of fault.

(3) The ACT Government receives annual returns from insurers for the various classes of general insurance in relation to the reporting elements delineated in section 203 of the *Civil Law (Wrongs) Act 2002*. The responsible Minister has an obligation to report annually to the Assembly pursuant to section 205 of the *Civil Law (Wrongs) Act 2002*. The most recent returns were tabled in the ACT Legislative Assembly on 15 November 2007. However, the Government does not obtain or keep records of individual claims.

(4) The *Road Transport (Third-Party Insurance) Act 2008* requires insurers to pay any injured person (but not an at-fault driver) up to $5,000 for immediate medical and rehabilitation treatment, irrespective of fault. The Act was passed by the Assembly on 12 February 2008. The Government has no plans to move to a system of "No Fault" motor accident compensation; however, the new Act (which is yet to commence) includes a provision requiring it to be reviewed after it has been in operation for three years. This will provide the appropriate mechanism for examining any significant changes or extensions to the new Scheme.

Public service—websites (Question No 2013)

Mr Smyth asked the Treasurer, upon notice, on 2 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for the Department of Treasury in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005, (b) 2005-2006 and (c) 2006-2007 financial years.

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

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—websites (Question No 2021)

Mrs Burke asked the Minister for Health, upon notice, on 3 April 2008:

(1) How much money has been spent on website design, development and maintenance, including webhosting and security, if applicable, for ACT Health in the 2007-08 financial year to date;

(2) How much money was spent for those items outlined in part (1) in the (a) 2004-2005 and (b) 2005-2006 financial years.

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

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.
