Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

7 AUGUST 2008

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Thursday, 7 August 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.

Petition

The following petition was lodged for presentation, by **Mr Mulcahy**, *from 40 residents:*

Gungahlin Drive extension

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: **the recently completed Gungahlin Drive Extension has not solved the problems of Gungahlin residents commuting in peak times**.
>
> Your petitioners therefore request the Assembly to: **to begin work as soon as possible to expand the Gungahlin Drive Extension to meet the needs of ACT residents**.

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.

Duties Amendment Bill 2008 (No 2)

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (10:32): I move:

> That this bill be agreed to in principle.

The Duties Amendment Bill 2008 (No 2), the bill, amends the Duties Act 1999, the Duties Act. The proposed amendment gives effect to the green vehicles duty scheme, action 7 of the government's *Weathering the Change* climate change action plan. This amendment will allow differential duty rates to be set for the registration of new vehicles, based on vehicle environmental performance.

The bill inserts a new section into the Duties Act which will enable a determination made under the Taxation Administration Act 1999 to recognise or adopt another instrument, such as the commonwealth green vehicle guide. The green vehicle guide is a website run by the commonwealth Department of Infrastructure, Transport, Regional Development and Local Government. It details the environmental performance of new vehicles for sale in Australia. The website at www.greenvehicleguide.gov.au is regularly updated with data on new vehicles. The bill will allow a determination that sets rates of duty to refer to the green vehicle guide as in force from time to time. The process of applying an instrument as in force from time to time is covered by section 47 of the Legislation Act 2001.

Subsequent to this amendment, a new disallowable instrument will set the differential duty rates for new vehicles based on green vehicle guide ratings. A duty concession will provide an incentive for the purchase of vehicles with better than average environmental performance. For those vehicles with less than average environmental performance, the rate of duty will increase slightly. The duty rates will not change for vehicles with average environmental performance.

I commend the Duties Amendment Bill to the Assembly.

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

Superannuation (Legislative Assembly Members) Amendment 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) (10:35): I move:

> That this bill be agreed to in principle.

The Superannuation (Legislative Assembly Members) Amendment Bill 2008, the bill, amends the Superannuation (Legislative Assembly Members) Act 1991. This bill will implement one of the government's undertakings announced in the 2006-07 budget and aims to place the territory's finances on a more sustainable footing.

When I announced a reduction in superannuation benefits for all new entrants to the ACT public service during my 2006-07 budget speech I also announced that similar reductions in superannuation entitlements would apply to new MLAs assuming office at or after the next election in October 2008. This bill sets out the superannuation scheme arrangements for new MLAs who commence on or after the October 2008 election. As is usually the case, superannuation for existing MLAs will not be adversely impacted by the changes being proposed. However, the bill does provide for more flexibility in superannuation arrangements for existing MLAs.

In all jurisdictions other than Western Australia and the ACT, parliamentary superannuation benefits are equivalent to those benefits available to its public servants. The amendments in this bill will mean that the level of benefit remains more generous than parliamentary superannuation arrangements affecting new politicians in all other jurisdictions, apart from commencing federal politicians who have an employer contribution rate of 15.4 per cent.

In suggesting these changes to MLAs' superannuation, I acknowledge that ACT MLAs are the second lowest paid across all jurisdictions. The proposed changes, however, still provide the most generous superannuation, excluding the commonwealth. The proposed rate also remains above the community standard. It is possible that the Remuneration Tribunal will take this into account next time it assesses wage arrangements and it may, though I hope not, lead to some upward pressure on wages.

The bill contains amendment to apply to new MLAs who will be offered choice of fund into an accumulation benefit scheme, with an employer contribution of 14 per cent. Similar to the ACT government public service, if a new MLA contributes at least three per cent towards their superannuation, an additional one per cent contribution will be made by the employer, meaning a contribution by the employer of either 14 or 15 per cent. If no choice of fund is elected by the MLA, the superannuation contributions will be paid to the territory's nominated default fund, which is currently First State Super.

The bill also amends the arrangements for existing MLAs in that they will have the option to elect to participate in the new arrangements by electing a choice of fund, whilst maintaining the current entitlement of an employer contribution rate of 24 per cent. Members will be able to make voluntary contributions as opposed to the mandatory five per cent contribution under the existing arrangement, and salary sacrificing could be used for additional contributions in accordance with the conditions of the Remuneration Tribunal determinations made for members of the Assembly. If an existing MLA elects to choose a fund, their entitlements accumulated under the existing scheme will be calculated and a rollover payment will be made to a nominated complying superannuation fund.

These new arrangements will offer MLAs a choice of superannuation fund into an accumulation benefit scheme design; the choice of investment strategy, allowing employees' superannuation contributions to be invested in a manner determined by the member if they so wish; portability of superannuation; access to a full range of insurance cover, including death, total and permanent disablement and income protection; and ancillary member services such as on-line access to personal information and ability to manage retirement savings in a manner that suits each individual's needs and satisfies their objectives.

I commend the Superannuation (Legislative Assembly Members) Amendment Bill 2008 to the Assembly.

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

ACT Civil and Administrative Tribunal Legislation Amendment Bill 2008 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10:39): I move:

> That this bill be agreed to in principle.

Today I am introducing the ACT Civil and Administrative Tribunal Legislation Amendment Bill 2008 (No 2) which is the third bill dealing with the establishment of a consolidated ACT tribunal, otherwise known as the ACAT. I tabled the first bill, the ACT Civil and Administrative Tribunal Bill 2008, in May. The bill I table today is the second bill of similar aim which makes amendments to legislation related to the ACAT bill.

The bill deals predominantly with amendments consequential to the movement of the Administrative Appeals Tribunal into the ACAT. A number of amendments provide that an application may be made for a review of administrative decisions under the relevant act, previously brought before the Administrative Appeals Tribunal, to the ACAT. Provisions in some acts have required amendment in order to frame administrative decisions and the review right in modern language.

The bill also includes a number of amendments to the principal ACAT bill in relation to administrative review. One of the amendments preserves the opportunity for a person who has made or proposes to make an application in the administrative review jurisdiction to apply to the Attorney-General for provision of financial or legal assistance in relation to the proceeding.

The ACAT bill has also been amended to establish the ACAT Trust Account and related provisions. The ACAT will deliver major positive reforms to the ACT tribunal sector, including greater efficiency, better support for tribunal members and registries, and increased consistency across the consolidated jurisdictions whilst maintaining unique differences where necessary. Ultimately, the consolidated tribunal will improve access to justice in the territory.

I commend the ACT Civil and Administrative Tribunal Legislation Amendment Bill (No 2) to the Assembly.

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

Crimes Legislation 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) (10:42): I move:

> That this bill be agreed to in principle.

The Crimes Legislation Amendment Bill 2008 introduces changes to the criminal justice system designed to enhance the efficiency of the system and therefore the delivery of justice. Before making these changes I issued a discussion paper and asked key stakeholders in the community for feedback on how best to make changes to enhance the efficiency of our criminal justice system.

Topics such as these always receive robust comment from the community at large and the legal profession in particular, and this occasion was no exception. I am grateful for that feedback and have used it in developing this bill and am confident that the input from the community has resulted in changes that further develop our criminal justice system and recognise the professionalism of our judicial officers.

The changes that are introduced in this bill include reforms to the process of committal of indictable offences to the Supreme Court and increases to the jurisdiction of the Magistrates Court. The length of sentences that a magistrate can impose for dealing with an indictable offence is also increased. The process by which an acquitted person can be paid costs is altered and the method for prosecution appeals from decisions in the Magistrates Court is amended.

In the discussion paper released by my department, questions were raised about the need for an amendment to the law that allows a judge to conduct a Supreme Court trial in the absence of a jury. I received significant feedback in response to these questions. This is an important issue that requires further consideration before the government decides which course to take. Therefore, it is not addressed in this bill and I will continue to analyse the material on this question before announcing policy on it.

The question of reform of the committal process has been an ongoing issue in both the ACT and the rest of Australia for a number of years. As other jurisdictions have amended their committal processes, we have observed the changes to determine how those reforms have worked and their suitability for the unique jurisdiction of the ACT. The changes that are introduced in this bill draw on those interstate experiences and on the needs of our own community.

The bill changes the system of committal hearings so that all committal hearings will be paper or hand-up committals, with magistrates making the assessment of whether a matter should be committed on the basis of the written evidence placed before them rather than on the oral evidence of witnesses called and cross-examined. In the reform system, witnesses will only be called to give oral evidence in limited circumstances after an applicant has satisfied the court that it is in the interests of justice for the witness to give evidence.

This significant change to the committal process recognises the administrative nature of the committal hearing and the reality that many committal hearings already proceed on the papers. It brings the ACT into line with the majority of Australian jurisdictions that have made paper committals mandatory.

The next step in the raft of reforms to the committal process is the requirement for the defendant charged with offences that are capable of being heard by a magistrate to decide at an early stage which jurisdiction the charges are going to be heard in. This will mean that witnesses have certainty about the number of times that they will be giving evidence. This step will reduce delays and uncertainty for both defendants and complainants about the path they have chosen to take and will reduce the opportunities for defendants to forum shop for tactical reasons. It will also better use the time of the courts so that matters listed for hearing will proceed when scheduled rather leaving court time unused due to late transfer of matters to another court.

The bill also changes the threshold on which matters become indictable from offences that have a penalty of imprisonment of more than one year to those that have a penalty of more than two years imprisonment. This reform recognises the professionalism of our Magistrates Court and their ability to hear and determine matters that carry these penalties.

There are two offences, aggravated robbery and aggravated burglary, that can currently only be dealt with in the Supreme Court as they carry maximum penalties of 20 years imprisonment. The bill amends the legislation so that the Magistrates Court can deal with minor examples of these offences if both the defendant and the prosecution consent and the Magistrates Court is satisfied that the matter is one that is appropriate for summary jurisdiction. The requirement for the prosecution's agreement to summary jurisdiction provides a higher level of safeguard for these potentially serious offences to ensure that it is only the more minor manifestations of these offences that are handled by the Magistrates Court.

In further recognition of the ability of the Magistrates Court to deal with a range of matters, the bill increases the sentencing power of the court so that a magistrate dealing with an indictable matter can impose a sentence of up to five years imprisonment or a fine of $15,000 or both, rather than the limit of two years or a fine of $5,000 or both that is currently available. This increase complements the increase in the range of matters that the Magistrates Court can hear and determine summarily and the addition of the two serious offences to the number of indictable charges that the Magistrates Court can deal with summarily.

The increase in the range of matters that can only be dealt with in the Magistrates Court has highlighted a human rights issue in the Magistrates Court Act 1930. That act currently allows for summary matters to be heard in the absence of the defendant if the defendant has been served with a summons. However, the provisions for service of a summons did not require the defendant to be personally served with a summons; so there could be cases where a defendant knows nothing about a case that is being heard in the defendant's absence. This clearly violates section 22 of the Human Rights Act 2002 and the right to be tried in person. Of course, there are also cases where a defendant may have been personally served with a summons but still does not understand the effect of not attending the court to have the matter heard.

In order to remedy the situation, the bill amends the provisions of the Magistrates Court Act so that the magistrate may only proceed to hear a summary charge in the absence of the defendant if the magistrate is satisfied that the defendant is waiving the right to attend in person and that the decision to waive the right is a fully informed and voluntarily made decision. This is a great advance in ensuring that the human rights of all members of our community are protected in the criminal justice system.

The bill also addresses an issue that, while linked in many ways to the reforms I have just talked about, stems from different concerns. This is the issue of costs paid to a person who is acquitted of a charge in the Magistrates Court. For many years, the ACT has paid the highest rate of costs per person per head of population in the country. This has been due, in part, to the lack of a set scale of costs against which claims can be measured. The bill introduces a scale of costs so that there is consistency and certainty in the amount of costs awarded.

Finally, the bill amends the way in which prosecution appeals against the decision of the Magistrates Court may be instituted, to replace the existing cumbersome process with the more efficient process that defendants use for appeals from decisions in the same court.

These measures represent efficiencies of time, reduction in trauma for victims, certainty for defendants, reductions in court time for witnesses, a recognition of the human rights of the community and an increase in the effectiveness of the criminal justice system generally. They reflect the government's commitment to ensuring that the criminal justice system is fair, effective and responsive to the needs of the Assembly and I commend the bill to the Assembly.

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

Domestic Violence and Protection Orders 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.

Today, I am introducing the Domestic Violence and Protection Orders Bill 2008, which will replace the Domestic Violence and Protection Orders Act 2001. The purpose of this act is to provide enforceable court orders to protect people who experience domestic violence and other people who have good reason to fear violence.

Domestic and personal violence is a damaging blight on our society. People who experience violence require and deserve the assistance of our justice system to aid their protection. In the ACT, between 1 July last year and 1 July this year, there were

2,108 family violence cases reported to ACT Policing and over 1,800 protection orders applications were lodged in the ACT Magistrates Court.

Anecdotal evidence indicates that the full extent of domestic and personal violence in the community is substantially higher than that reported to police, and this is illustrated by the 8,738 calls that the Domestic Violence Crisis Service received from the community during this same period. It is well recognised from the significant body of research that has been undertaken in this field that many people who are subjected to this form of violence never report the offence to police. Recognising this, it is essential that the protection afforded to those in need under this act be readily available and accessible.

The purpose of this bill is multifaceted. Firstly, it introduces new review provisions at Magistrates Court level to enable the court to review a protection order that has become a final order as a consequence of an interim order being made. This process is currently governed by section 51A of the act. The ACT Supreme Court considered this provision in the case of I v S, and raised concerns as to whether this provision was compatible with the right to a fair trial enshrined in the Human Rights Act. This bill addresses issues raised in that case whilst maintaining an effective system of protections for people in fear of violence.

An interim order is a short-term protection order for an individual who seeks protection. This order can be made if the court is satisfied that an order is necessary because the order is made in the absence of the person—known as the respondent—who is allegedly a threat to the person in need of protection. The interim order triggers a process that results in a hearing involving both parties. To ensure that the person protected by the interim order remains protected, the bill includes provisions that enable the court to make a final order if the respondent does not participate in the process. Interim orders only exist until a final order is made or until the court declines to make a final order. Conversely, to ensure that the respondent also gets a fair hearing, the bill includes new review provisions that enable a respondent to seek review of a final order in particular circumstances.

These amendments will protect a respondent's right to fair trial when he or she does not engage in the process, whilst maintaining the level of safety and protection for people who experience or fear domestic or personal violence.

As a consequence of consulting with the court staff, legal practitioners and the community sector, the bill also includes improvements to the procedure for protection orders and the interpretation of the law. The bill substantially restructures the act to distinguish between procedural and substantive provisions, with the aim of improving the use and understanding of the act.

The bill also includes new provisions to ensure safety of children and young people who are named in orders and will exclude children under 10 years of age from becoming respondents to an order. Currently, the act does not provide a legislative basis for the Department of Disability, Housing and Community Services to obtain information from the courts regarding the existence or content of a protection order in circumstances where that department is conducting a child protection investigation. Historically, child protection officers had to rely on their client providing this

information or have had to request this information from another service. This situation is clearly untenable and impacts on the ability of the territory to protect children. The bill therefore authorises the Chief Executive of Disability, Housing and Community Services to access relevant information from court records about orders in circumstances where they are investigating a child protection matter.

The bill will also strengthen the protection of children who are named on an order in circumstances where the applicant wants to revoke that order. The very nature of domestic violence often lends itself to circumstances where an applicant may decide that they no longer require an order because relations between parties have improved. However, situations also arise where the respondent has placed pressure on an applicant to have the order revoked. If an applicant requests the court to revoke an order and children are also named on that order, the bill will provide an additional safeguard by requiring the magistrate to be satisfied that any child named on the order is no longer in need of the protection afforded by that order before it can be revoked.

The bill will also create a link between this act and the Children and Young People Act 2008 to enable the Childrens Court to make protection orders in circumstances where domestic violence leads to the psychological abuse of a child. The government is strongly of the view that adding the category of psychological abuse for children affected by domestic violence will provide an important tool in protecting children who live in violent households.

The current act borrows the definition of "domestic partner" from the Legislation Act 2001. As a consequence, boyfriend-girlfriend and same-sex relationships are currently excluded. The inclusion of these relationships is necessary because it is clear that they have similar dynamics to those relationships currently considered to be domestic relationships under the act. It has long been regarded by most people in our community that this type of relationship should be recognised by the legislation so that the same protections are made available to all people who need protection from violence in the context of an intimate relationship. Therefore, the bill now includes boyfriend-girlfriend and same-sex relationships within the meaning of the term "domestic relationships".

Currently, the act allows for an order to be made against a child who is under 10 years of age. I have been made aware of circumstances in which this has occurred in the ACT. The government's policy on this issue is that it is not appropriate for the act to make children under the age of criminal responsibility respondents to protection orders. The bill includes a provision to prohibit children under the age of 10 from becoming a respondent to an order.

To further improve decision making and the use of court time, the bill also includes provisions to give court registrars powers to consolidate areas of agreement and disagreement arising from the conferencing stage of proceedings. This information will be made available to the court when hearing the matter, and the aim of these provisions is to facilitate decisions where parties do not consent to an order being made.

The bill also creates new procedures to enable interim orders to be amended, to enable final orders to be amended and to enable a temporary amendment to a final order. The

current act creates the concept of a "domestic violence offence" which includes 57 offence types, ranging from murder to destroying or damaging property. When an accused person is charged with a domestic violence offence, the provisions of section 9F of the Bail Act 1992 are invoked, meaning that police must take into account the safety of a victim in considering whether or not to grant bail to the accused.

ACT Policing has raised a concern that the omission of trespass from the list of domestic violence offences results in a gap that impacts on its ability to protect some victims. ACT Policing identified one example where an accused person had attended the victim's residence and was arrested for the offence of trespass. The offender was subsequently released, and returned to the victim's premises to exact revenge on the victim for involving the police. This bill remedies that omission by introducing the offence of trespass to the list of domestic violence offences. This will enable police to remand an accused in custody for the offence of trespass in circumstances where there are fears for the victim's safety.

These reforms are necessary to bolster the rights of those who fear or experience violence to protection and safety, whilst still maintaining the rights of respondents to receive a fair trial. I commend the bill to the Assembly.

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

Guardianship and Management of Property 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) (11.02): I move:

> That this bill be agreed to in principle.

This bill introduces an important development in options for the provision of medical treatment to people who, because of mental, intellectual or physical disability, have no capacity to consent to their own medical treatment.

Currently, where a person has impaired decision-making capacity, unless they have already appointed an attorney to make medical decisions for them under an enduring power of attorney or have a guardian appointed by the Guardianship and Property Management Tribunal, they have these decisions made for them by the Public Advocate. This means that close friends and family members currently have no recognised role in providing consent on behalf of their loved one and that health professionals seeking to administer necessary treatment to a patient cannot deal with the person's partner and family. Instead, currently, they must refer these decisions to the Public Advocate. While the Public Advocate has carried out these duties with unimpeachable diligence and compassion, the existing system is an unnecessary drain

on her existing resources and is a difficult process for families caught up in this situation.

The scheme proposed in this bill will allow people who have a close relationship with the patient to consent to medical treatment for the patient. These people will be called "health attorneys". They are not attorneys appointed under a power of attorney, but instead may be a domestic partner, carer, close relative or close friend of the patient—someone who is best positioned to speak for the patient's own views and wishes. A health attorney can only consent to medical treatment if asked by a doctor or a dentist in relation to a particular treatment.

Members may be aware that, at common law, providing medical treatment for a person without that person's consent may amount to assault unless the treatment is urgent. Further, the Human Rights Act 2004 provides that no-one may be subject to medical treatment without their freely given consent. This government considers that right to be paramount. A person who cannot provide consent because of mental, intellectual or physical impairment, irrespective of whether or not the person's incapacity is temporary, is called a "protected person" under the Guardianship and Management of Property Act 1991.

A protected person, like any other person, has the right not to be subjected to medical treatment without their consent. However, a protected person lacks the capacity to give that consent. One must approach carefully, therefore, and with compassion, the question of how consent is to be obtained from a protected person for medical treatment.

As I have already observed, someone may consent to medical treatment for a protected person if they have been appointed as an attorney under an enduring power of attorney to give consent to medical treatment. And if a protected person has not appointed an attorney in this way then a guardian may be appointed under the guardianship legislation who could consent to medical treatment for the protected person. It is, in fact, likely that where a person has a long-term impairment affecting their decision-making ability then a guardian will have been appointed. But if a protected person has no attorney under an enduring power of attorney and no guardian, the health profession and the person need someone else to provide consent on the protected person's behalf. Currently, in such cases, the Public Advocate may be appointed as an emergency guardian by the tribunal. If the Public Advocate is appointed as an emergency guardian for a person, she may consent to medical treatment for the person.

Territory law does not allow a person's family members and close friends to consent to medical treatment for the person. This position may surprise, and often disappoint, the person's nearest and dearest, who can feel sidelined when they find that they have no role in consenting to treatment. In particular, they may feel aggrieved that this situation exists in the ACT when that is not the case in most other jurisdictions. Laws in other jurisdictions, including our neighbour New South Wales, have addressed this situation and already recognise the ability of relatives, carers and close friends to provide consent on behalf of a protected person to medical treatment.

To some degree, the regulatory process of appointing a guardian and decision making by a guardian is somewhat detached from the feelings of people close to a patient. Normally, a person would expect someone close to him or her to make a decision, in this case to consent to medical treatment where the person's decision-making ability has become impaired. The ACT has lagged behind other jurisdictions in addressing this human and medical issue. Who would best know the views and wishes of a person with impaired ability than those who are the person's near and dear ones?

In June 2007, I released a discussion paper called "Consenting to treatment" on issues of consent for a protected person's medical treatment. It covered the issue of consent to providing, withdrawing or withholding treatment. My department undertook an extensive consultative process on the issues. The bill is the outcome of this process, so far as it related to consenting to provide medical treatment for a protected person. Issues relating to consent to the withdrawal or withholding of treatment are somewhat more complicated and will not be pursued at this time. Instead, they will be considered at a later point.

In the context of a culture that respects human rights, requiring consent from someone other than a patient for medical treatment is a limitation on the patient's right not to be subjected to medical treatment without the patient's free consent. However, as I said before, normally patients would expect someone close to them to be involved in consenting to medical treatment if they were unable to speak for themselves. The bill has been framed so as to ensure that the right of a person to be treated without their consent is restricted as little as possible.

The health attorney scheme sits alongside the guardianship system. Both the attorney and health professional must follow the decision-making principles under the guardianship legislation. These principles require the decision maker to give effect to the wishes of a protected person so far as they do not significantly adversely affect the person's interests. If those wishes cannot be given effect to, the focus should be on promoting the person's interests. There is also scope for intervention by the Public Advocate. A health professional must provide relevant information to a health attorney. Where a medical treatment based on a health attorney's consent continues for six months, the health professional must inform the Public Advocate. These safeguards are reasonable and impose the least possible restriction on a patient's existing rights.

Apart from the benefits to the patient and to those near and dear to the patient, this legislation also provides certainty for health professionals that, if they act in good faith and in accordance with the decision-making principles in the legislation, they will be able to rely on consent provided by a health attorney in providing necessary medical treatment to a patient who lacks the capacity to consent to it in their own right. This will provide reassurance to our health professionals who want to provide the best possible care for their patients but have been unable to act without the patient's free and informed consent.

Medical treatment to which health attorneys may consent includes a medical procedure or treatment, dental treatment and a series of procedures or a course of treatment. Health attorneys cannot consent to a prescribed medical procedure under

the guardianship legislation. Examples of prescribed medical procedures are an abortion, reproductive sterilisation, a hysterectomy, treatment for mental illness, electroconvulsive therapy and psychiatric surgery.

There will be an order of priority among health attorneys as follows: firstly, the protected person's domestic partner who is in a close and continuing relationship with the person; secondly, the protected person's carer who provides care and support to the person in the domestic context and does not receive remuneration or reward for the service or arranging the service; and, thirdly, a relative or close friend of the protected person where the relative or friend is in a close personal relationship with the person.

However, it is recognised that a patient's partner or family may not always be the people best placed to represent the patient's views—for example, where the family is estranged. For this reason, the overriding provision is that the person identified as the health attorney should be a person best placed to truly represent the wishes of the patient.

Before asking for a health attorney's consent, a health professional must believe, on reasonable grounds, that the patient is a protected person and that the person needs medical treatment. The health professional should also believe that the health attorney is best able to represent the patient's views.

In identifying the best person to make the decision, a health professional is obliged to consider the priority order for health attorneys and may also take into account how readily the attorney is available. A health attorney who is lower in the order may be readily available whereas one high up in the priority order may be difficult to contact in the necessary time frame. If the identified health attorney does not want to provide consent or if one or more of the other potential health attorneys object to the consent provided by the identified health attorney, the health professional must refer the matter to the Public Advocate. The Public Advocate may apply to the guardianship tribunal to appoint her as guardian for the protected person. The bill also provides for the Public Advocate to help health attorneys to reach agreement where they are in dispute.

To encourage a person's loved ones to be involved in the process for consent to medical treatment, it is important to alleviate any fears they might have about legal liability for this simple but responsible and loving act. The bill provides for protection of health attorneys from civil or criminal liability where they act in good faith and in accordance with the decision-making principles in the legislation. Similar immunities apply to health professionals who rely in good faith upon consent obtained from an appropriate health attorney. However, this does not relieve a health professional of any liability that would otherwise exist had the protected person not had impaired decision making, and had the treatment been given with the person's consent.

I am confident that the ACT community and health profession will welcome this scheme and will use it effectively. My department will monitor the operation of the new scheme to ensure that it does operate effectively and to make any improvements that might be identified once it comes into effect. I also propose a more comprehensive review of the scheme five years after it commences, to ensure that the

needs and concerns of patients, their loved ones, and of health professionals, are all being adequately addressed. I commend the bill to the Assembly.

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

Unit Titles Amendment Bill 2008

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (11.15): I move:

> That this bill be agreed to in principle.

The Unit Titles Amendment Bill 2008 will strengthen the dispute resolution provisions in the Unit Titles Act 2001, will provide further protection for the purchasers of units, especially off-the-plan purchasers, and will better control the actions of owners, corporation managers, the executive committee and its executive members.

Other states have recently reviewed and strengthened their unit titles legislation. For example, in 2004 New South Wales introduced new consumer protection provisions. In 2006, Victoria introduced new unit titles legislation that included dispute resolution procedures. And more recently, Queensland introduced a bill into their state parliament to improve the dispute resolution processes in that state.

The bill that I am tabling today has been in response to the strong public feedback that the current dispute resolution mechanism in the Unit Titles Act was not operating effectively and that there was a need for stronger protection for people who own units in unit plans.

The ACT Planning and Land Authority has taken the lead on this project and engaged Mr Gary Bugden as a specialist consultant. Mr Bugden has over 35 years experience in unit and community title law and practice, including substantial experience in the management of owners corporations.

The Planning and Land Authority, in conjunction with the Department of Justice and Community Safety, adopted a strategic approach to this review. This included reviewing the many complaints and submissions received since the current Unit Titles Act was introduced, participating in extensive consultation with stakeholders, holding five public preliminary consultation sessions and setting up an online survey to broaden participation in the consultation and focus the input.

The public and other stakeholders were provided with written submissions on the proposed review, and these were documented in an issues paper. Stakeholders then had a further opportunity to comment on the issues paper.

A draft bill incorporating those submissions was released for public consultation earlier this year, in May, for a three-week period. The Planning and Land Authority collated the public comments and submissions and held further discussions with industry bodies and individuals before a final bill was prepared for consideration by the Assembly.

I now turn to the operative provisions in this bill.

New section 31A requires greater developer disclosure. Under this section, developers must disclose additional information to buyers of those units. This must be done for a contract of sale of a unit in a unit plan before the units plan is registered—that is, where the developer is the seller. Additional information that developers must disclose includes:

- the proposed articles of the owners corporation of that units plan;

- details of any contract that the developer has entered into;

- the developer's estimate of the buyer's contribution to the owners corporation's general funds for the first two years after the units plan is registered at the Registrar-General's Office;

- if a right to the keeping of animals has been reserved by the developer, details of the reservation, including the kind and number of animals;

- if a staged development of the units is proposed, details of the proposed development statement; and

- any amendment to that statement.

In addition, the developer is obliged to provide a warranty that the information so provided is accurate. For example, the buyer may, under these provisions, cancel the contract for sale if the developer's disclosure is incomplete or inaccurate and the buyer is significantly prejudiced because of this.

This is a very concrete example of how this legislation operates to provide greater consumer protection for buyers of units before a units plan is registered.

This legislation also protects consumers after a units plan is registered. Starting from the day the units plan is registered and ending on the day that more than one-third of the unit entitlements of the units plan are held by persons other than the developer, there are controls on what the owners corporation can do. That period is defined as the developer control period. During this period, an owners corporation cannot enter into a contract unless that contract is disclosed in a contract for sale of a unit in the units plan.

Substantial changes have been made in relation to the appointment of an owners corporation manager, conditions of their appointment, and the manager's obligation to comply with a code of conduct and to take out and maintain public liability insurance.

It is intended that a new category of licence be created under the Agents Act. At this stage it is like to be referred to as the owners corporation manager's licence.

It is intended that those persons who provide owners corporation management services but do not hold an owners corporation manager's licence will be grandfathered in this legislation. This means that those persons would not be required to do anything until the next financial year when they will need to apply for a licence. Persons who enter this market after the commencement of the legislation will need to apply for the owners corporation manager's licence to manage an owners corporation.

Importantly, a person who holds an owners corporation manager's licence must comply with the code of conduct included in this legislation. It is intended that the code of conduct will cover such things as:

- an obligation on the manager to have a good working knowledge and understanding of the act;

- to act honestly, fairly and professionally and exercise reasonable skill, care and diligence in performing their functions;

- to act in the best interests of the owners corporation;

- to keep the owners corporation informed of any significant development or issue about an activity performed for the owners corporation;

- ensure employees comply with the legislation and the code;

- not accept an engagement for another owners corporation if there is a potential or actual conflict of interest between these roles; and

- not engage in fraudulent, misleading conduct or unconscionable conduct.

Mandatory compliance with the code of conduct will better regulate the actions of the owners corporation manager, provide better protection for unit owners and reduce the likelihood of disputation between unit owners and owners corporation managers and between owners corporations and their managers.

A new role called the communications officer has been created. An owners corporation in a units plan with at least seven units can appoint a communications officer. This role will assist the owners corporation by improving communication in the unit complex so that conflict and disputes can be avoided, minimised or resolved. It is not intended that this role will form part of the dispute resolution process, but it is intended to focus more on the importance of quality communication within the unit complex. This will have a beneficial outcome for all stakeholders.

New provisions have been introduced in respect of sinking funds. An owners corporation of a units plan with at least four units must establish and maintain a sinking fund. Moneys can be transferred into the sinking fund from the administrative fund or the special purpose fund, but, differently from the current legislation, cannot be transferred from the general fund.

An owners corporation must prepare an initial sinking fund plan of the anticipated sinking fund expenditure for 10 years starting on the day of the first annual general meeting of the owners corporation. The date of the first annual general meeting is now required to be within three months of the registration of the units plan which created the owners corporation. This plan must be reviewed, and if necessary amended, within four years after the plan is approved.

An owners corporation must prepare a sinking fund plan of anticipated sinking fund expenditure every 10 years following the preparation of the initial sinking fund plan. The owners corporation must, by ordinary resolution, approve this plan no later than the first annual general meeting after the start of each 10-year period. An owners corporation must review this plan, and amend if necessary no later than five years after it is approved.

These changes will allow much greater scrutiny of sinking fund plans.

Amendments have been made to the content to be included in what are referred to as section 75 certificates. The bill proposes that the fee for those certificates be significantly reduced—from $176 to $80. Specifying roles and functions for the executive committee, chairperson, secretary and treasurer in the legislation provides greater clarity and certainty for unit owners.

Greater controls over a developer's proxy votes have been included in this legislation. To detail, a developer must not exercise more than three proxy votes in a vote on a matter at a general meeting of the owners corporation for the units plan unless:

- each contract for sale of a unit contains a proxy disclosure statement;

- the use of the proxy is consistent with that statement; and

- the matter being voted on is a development matter rather than an ordinary matter of the corporation.

This should reduce the number of disputes in relation to the use of proxy votes by developers.

This brings me to the dispute resolution provisions in this legislation.

In the event of a dispute, instead of applying to the Magistrates Court, amongst others, an owner or occupier of a unit in a units plan can apply to the ACT Civil and Administrative Tribunal to make orders to resolve the dispute. ACAT is to be empowered to make a number of orders which are specified in the bill. These include orders which ACAT considers are necessary or convenient to resolve an ACAT dispute. These amendments will provide a more cost-effective dispute resolution procedure than exists in the current legislation.

Part 7A of the bill sets out warranties that are taken to be included as part of the contract for sale of a unit and it provides a right to cancel that contract for sale. For example, except as disclosed in the contract for sale, or the result of fair wear and tear,

the seller warrants that, to the seller's knowledge, there are no unfunded latent or patent defects in the common property or the owners corporation assets.

Another warranty provided by the seller is that there are no actual, contingent or unfunded liabilities of the owners corporation that are not part of the owners corporation normal operating expenses—other than those disclosed in the contract for sale.

The protection for a buyer under the relevant contract of sale is that a buyer can cancel the contract if there is a breach of the implied warranty by the seller. Alternatively, a buyer can claim compensation against the seller for the seller's breach of an implied warranty not disclosed in the contract for sale.

An aspect of the exposure draft of the bill that attracted a number of submissions was the proposed funding model. Following numerous representations about the funding model that was proposed, the government has decided to remove these provisions at this time.

The submissions received to date highlighted a number of aspects of the proposed funding model, including that it was not equitable and that it was to be used to fund the new ACAT.

It has been decided to implement the legislation using the funds available in the agents trust account, and to undertake further consultation with stakeholders to develop an appropriate model to fund the new consumer protection measures and dispute resolution arrangements.

The key principles in developing the funding model are that it is to be on a user-pays basis—that is, those who are covered by the new unit titles legislation should pay for the benefits—that it is to be a simple process to manage and that the level of funding meets the anticipated cost of the new arrangements.

Finally—and very importantly to many people—the bill provides for the keeping of pets. Rather than having the provisions as part of the default articles in a schedule in the regulations, which can be overridden, the bill allows for a unit owner to keep an animal, for an owners corporation to give consent—with or without conditions—and that the owners corporation consent cannot be unreasonably withheld.

An owner of a unit may apply to the ACAT to resolve the dispute with the owners corporation about the keeping of pets in units. In addition, in discussions that I have had with the RSPCA, we have agreed that we will develop a set of procedures to assist owners and owners corporations in resolving disputes and in any appeals to the ACAT. The RSPCA has also indicated its willingness to assist owners and owners corporations in the dispute resolution process.

I am aware that this has been an extremely sensitive issue during the development of the legislation. I appreciate that there are those who oppose any change to the current legislation, which allows for owners corporations to prohibit the keeping of pets—it is worth noting that that prohibition has even extended to the prohibition on keeping a goldfish in a bowl in a unit—whilst there are many people who, having decided to

move from their house to a unit or a townhouse, want to keep their companion animal, be it a cat, a dog, a budgie in a cage or a goldfish in a bowl.

I believe that the model we have developed is a good middle way to allow pets and, in the event of disputes, having an avenue for easier resolution.

I commend the Unit Titles Amendment Bill 2008 to the Assembly.

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

Legislative Assembly (Members' Staff) Amendment Bill 2008

Mr Berry, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR BERRY (Ginninderra) (11.30): I move:

> That this bill be agreed to in principle.

The bill I introduce today sets out to tear out, root and branch, a practice which has occurred from the very early days of this legislature. It is a practice which has brought into disrepute this place. And I will touch on some of those issues as I work through my contribution on this bill. I said the other day, quoting Hugh McKay:

> Australians view the honesty and ethics of Members of both State and Federal Parliament as only slightly better than those of car salesmen … Only seven per cent of Australians believe that Members of both State … and Federal … Parliament are of high or very high standards of honesty and ethics. The only profession rating lower than Members of Parliament is car salesmen.

I must say that, if it came to a judgement about this Assembly, just on the issue of nepotism, car salesmen really would have reason to complain about the position they hold on the list. I think it has been a practice which has bedevilled this Assembly and has detracted from its standing in the community and its ability to provide a quality legislature.

Some years ago, at different times there were eight different members employing close family members. I made a bit of a joke the other day about it being like a Christmas dinner and that all that was missing when you came here every day were the funny hats and whistles because it was a party involving a lot of family members in this place, which was very embarrassing.

I started to move on these issues, I think it was, as far back as 1994. That is a long time ago. I was trying to address an issue which I thought not only blackened this legislature, blackened the role it performed, but also—in a self-interested way, because I was part of this legislature—blackened me. So it struck me that there needed to be something done about it to root out the practice.

Subsequently, some years later I was able to introduce, as Speaker, a code of practice which went some of the way to addressing the situation but not far enough. I subsequently moved to amend it to strengthen it again, which I thought went all of the way because it mirrored the prohibition the executive members had placed on themselves for appointing family members. I thought that was good enough but it was not. That is roughly the history of how we find ourselves here today discussing this piece of legislation.

I want to touch on some international matters which I think are relevant in this discussion. Members may recall a recent case in the House of Commons where a Mr Derek Conway was alleged to be paying the sum of £981 a month from his parliamentary staffing salary to his son while his son was still in full-time education at university and refused to indicate, when questioned, what work he undertook. And so the story went on, to the point where a House of Commons committee on standards and privileges considered the matter and came up with a recommendation. Their recommendation was that members must disclose the employment of family members.

I have to say the disclosure obligation on members has been here for a long time and it has made no difference. And if the House of Commons committee had asked me to give evidence, I would have said, "Do not waste your time, because it will make no difference." Disclosure is not the issue and it is a disappointment to me that the mother of parliaments could not come up with something a bit stronger than that. It seems to me that the practice is so widespread that the parliament, or members of the parliament, could not find or did not want to find the real solution to the problem and that is to root out the problem and pass a law that outlawed it. In this place, of course, our code of practice is an aspirational one. It places an ethical obligation on members to adhere to it but it does not complete the job.

Another international experience in stark contrast to that which applies in the United Kingdom, and which I support, is on Prince Edward Island. I asked the Prince Edward Island Conflict of Interest Commissioner whether or not a member could employ a family member as one of their staff. He replied:

> Here on the Island that situation has not arisen since the passage into law of the Conflict of Interest Act in 1999. It is my belief that such a situation would be caught by virtue of section 13.

I will read it in part:

> A member, or a person who belongs to a member's family, shall not accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of a member's duties of office.

So Prince Edward Island thought it was sufficiently important for them to adopt this standard and pass it into law. And that is what we should do.

I note that—and this is a significant matter—the Liberal Party banned the practice some time ago, although, in contrast, one of their members in recent times has recommended the open-slather approach on this score—Mrs Burke, in her contribution to the report that found its way into the parliament this week. The Labor

Party's 2005 annual conference called for the abandonment of the practice. The executive, of course, have prohibited the practice for many years.

I think they are all honourable things to do but it is quite clear that the political parties are incapable of requiring members to adopt standards in this place. It is really a matter for this place to determine the final outcome.

Mr Seselja: We have done it since 2004.

MR BERRY: Mr Seselja interjects, "We have done it." But he could also undo it. That is the issue, I think, that you have to face when you are dealing with matters as important as these sorts of issues.

There are a number of issues that arise if an MLA employs a family member which come under the public interest tests, where the recruitment of a family member could be seen as patronage and favouritism and not a merit-based selection process. I take this from my dissenting report in the *Review of code of conduct of members* which was introduced this week:

> The Legislative Assembly (Members Staff) Act and the contract associated with the Act state that staff are required to "comply with the requirements of the code of conduct for members as varied from time to time." Again, the public interest test should be brought into play.

Again, the aspirational code has failed us. It states:

> Members have an obligation to use the influence conferred upon them in the public's interest and not for personal gain. Notwithstanding the provisions of section 15 of the … Self-Government Act … and standing order 156 … members are individually responsible for preventing personal conflicts of interest or the perception of a conflict of interest, and must endeavour to arrange their private affairs to prevent such conflicts arising or to take all reasonable steps to resolve any conflict that does arise.

It is difficult in these circumstances to imagine a situation where the employment of a close family member does not indicate a personal conflict and a perception of favouritism. In fact, I think it is impossible. My dissenting report states:

> A conflict of interest or the perception of a conflict of interest when a member has engaged a close family member could arise when … a member takes the following actions:
>
> - determines and signs a contract of employment for a consultancy or a contractor
>
> - makes periodic decisions about contract decisions, e.g. level of pay, promotion, tenure, hours of work, place of work, time off in lieu, discipline matters, harassment and bullying matters, acceptable use of technology.

But most importantly, a member's ability to properly scrutinise the executive or other members of the parliament is compromised by this as well because a member from

a party who may wish to scrutinise a member from another party or a member of the executive about issues of nepotism would have second thoughts about it if their party or they themselves had been involved in the practice. So it is far better to make sure that the practice does not occur. I go back to that point: if a member feels limited by this sort of behaviour, then the scrutiny process is damaged.

We need to set high standards of personal behaviour and, while the restriction on the employment of family members is a higher standard than set in the private sector, it should be maintained and strengthened. We are, after all, the people who scrutinise the executive about public expenditure; we are responsible as elected members of this place for some public expenditure ourselves. And it just does not wash out there in the community for us to be allocating some of those funds to family members, close family members—in fact, so close sometimes that it goes into the family budget.

Is our code good enough? I do not think it is. The history of the code has been incremental. I have had a great deal of pride in being able to improve the code over time and in some way influence things that have occurred here, but I think it has demonstrably failed in its aspirations because there is no requirement for members to observe it.

We have also adopted a resolution to create the position of an ethics and integrity adviser. This position has been filled, but it strikes me—and I go back to my original point—that the only way to root out this practice, improve the image of this legislature, improve the image of Assembly members and ensure the integrity of the legislature is to fundamentally change the way we approach this.

It is clear that having advisory codes is not strong enough. The only way to deal with the issue is to pass laws which make the practice unlawful. And I urge members to support this bill.

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

Strategic and functional review of the ACT public sector and services

DR FOSKEY (Molonglo) (11.43): I move:

> That this Assembly calls on the Chief Minister to table the *Strategic and Functional Review of the ACT Public Sector and Services* in the Assembly before the end of this sitting day.

I am very sorry that we are going to be having this debate in the absence of the Treasurer. Of course, I am also very sorry that the Treasurer has planned and timetabled the release of the state of the environment report for the ACT at a time when it is fairly clear that he should be here in the Assembly. The timing of that is very interesting, because I would also have liked to be at the launch of the state of the environment report. Where is the Treasurer and where has he been during all the calls that have been made from various bodies for the release of the functional review?

Mr Deputy Speaker, the functional review is the key document of this government. It was produced in 2006—mid term one might say—and it has flavoured every budget that has occurred since. It has been presented as secret cabinet business. I believe that not even members of the Labor caucus know all of its contents, if they know very much at all; so this is executive government playing at its most secretive. This is the very thing that is of greatest concern to citizens and a very strong and great threat to democracy. In this case, Mr Deputy Speaker, it has even been used to erode the processes of this Assembly itself.

The functional and strategic review has informed the major financial and budgetary decisions, yet the public accounts committee, which has the job of keeping an eye on exactly those expenditures, has not been given access to it. As a public and as an Assembly—as elected representatives—we have learned more from leaks than we have learned from the government about this particular document. Really, one has to ask: is this responsible government? Is this transparent government? Is this accountable government? And the answer would have to be no resoundingly to each of those questions.

What are the ramifications of this secret review? First of all and primarily, they are economic ramifications. Mid term one could be cynical enough to suggest that it was about making the hard decisions at a time when it would be a way of storing up money for the election year. Indeed, Mr Deputy Speaker, that appears to be what happened. Of course, the cuts made by the strategic and functional review freed up revenue at a cost—by savagely cutting government programs. It did allow, perhaps, more expenditure on capital works and other programs that the government saw as more beneficial to its chances in the election.

Mr Corbell: Or perhaps even to the community.

DR FOSKEY: One cannot know this because one does not have the functional review in front of us. So everything that Mr Corbell says is said with the knowledge that he has had access to a document that the rest of the Assembly has not, and I do not believe it gives him any moral superiority whatsoever.

One wonders if this review has been kept from us because it is a fairly shonky job. I think that is a fair assumption. We do know, for instance, that it only took a very straight-line financial approach. That much we do know, because we can be fairly clear from its impact that there was no social impact analysis. This is because we saw many cuts which ministers had to argue for really without any moral justification.

We saw the Minister for Disability and Community Services, Ms Gallagher, arguing that the cuts to SAP were quite justified. Yet in the last few years we have seen the reduction of services to people receiving SAP services, we have seen a reduction of SAP providers and I do not think there is any evidence out there that there have been social benefits arising from those cuts. Of course, perhaps the hardest one was Mr Barr's role in defending the savage cuts to our public school system that he had to announce in the same year in relation to the so-called 2020 vision for education.

There are some very severe results of this that the community has felt. The community felt the results of the functional review but we never, ever saw it and we

certainly did not ever see a social impact analysis. We do not even know what criteria the functional review applied to its topic. What were the terms of reference? We were not even allowed to see those. Was there a situational or a needs analysis? Who was consulted? We do know that the environment was perhaps one of the areas most crippled by this review, apart from education and SAP.

For a while there, remember, we had no designated environment minister. The environment department became part of TAMS. Then, of course, it was much harder to track the cuts to it. We saw cuts to the Office of Sustainability and we saw its fracturing between operations and policy. We still have not ever seen an evaluation to indicate whether that was a good or a bad thing for sustainability.

We also saw the disbandment of the Sustainability Expert Reference Group, which had been giving advice to the Chief Minister. I am not sure that it cost very much. Perhaps the Chief Minister did not like the advice and perhaps it was serendipitous that it was cut about the same time as the functional review came out. We also saw cuts to lots and lots of advisory bodies and bodies that provide a conduit between the government and the community. Perhaps the government's concern about community consultation—a late concern, admittedly—stems a lot from the functional review too. Maybe with the functional review there were cuts to the government's own credibility on community consultation.

We also saw enormous cuts to ACTION that I do not believe it has recovered from since. Even though we have a new network that has solved some of the problems, I do not believe most of my constituents believe that ACTION has reached the standard that it was at before the functional review cut it. One of the worst aspects of the functional review was really the loss of the community advisory group and also again sticking ACTION back into a department. We have not seen any evaluation of whether or not that was good for ACTION.

Mr Deputy Speaker, I do not believe that the budget really should have been passed without this most important explanatory document. Every year we get a whole heap of documents with the budget. In 2006 we should have had a copy of the functional review. Remember, too, that the estimates committee of that year would have actually supported not passing the budget. Remember, too, that there were some pretty shonky goings on in that estimates committee. Ms MacDonald was overseas and came back quite precipitately in order to bolster her Labor members.

This government get very insecure when they do not have a majority on committees, and we have seen that in relation to the estimates committee and we have seen that in relation to even the select committee on water that I moved to get set up. The government would not allow that. They referred it to the planning and environment committee and then they dropped the inquiry. Water is just too sensitive an issue for this government and so it seems is finance. The public accounts committee is not a committee that is constituted according to the government's preferences either. The public accounts committee has a member from its party, the Liberal Party and from the crossbench. Therefore, it is a non-partisan committee. It truly is a committee that is concerned with the best financial management for this Assembly.

We have a relationship with the Auditor-General and we also have the responsibility of conducting a number of inquiries into her reports. I can tell that you, Mr Deputy Speaker, that we would have found the documents of the functional review very useful a number of times. At the moment, we are completing an inquiry into Rhodium, for instance. We do not know how the functional review affected Rhodium. That has also been the case in relation to the courts administration. What effect did those cuts from the functional review have on the courts administration? These are important bits of information that the public accounts committee should have access to.

Then, of course, after all those cuts in June-July 2006, we had the financial boost in December. The Treasury called this a boon, but perhaps it was the exact intention of the functional review. With the Costello report—the functional review—we saw the abandonment, or at the very least the watering down, of the social plan and the sustainable transport plan. Indeed, the loss of the sustainable transport plan is the most immediate impact of the functional review. And, of course, we have seen the dilution of the spatial plan as well. Subsequent budget windfalls have not gone into restoring and retrieving those documents and those plans.

It is very concerning in majority government that committees, especially those without a government majority, have lost their powers which are given to them in the standing orders through standing order 239. It is a great pity that the committees have lost this. It really should be of concern to every other committee chair.

It is unfortunate that most other committee chairs, apart from the legal affairs committee, are government members. Therefore, I do not expect that they will stand up for the right for committees to call for papers. That is a real pity, because the strength of this Legislative Assembly is its committee system. It is the way that we all work together in a cooperative approach as members of committees to do the work of committees.

We were told by the Chief Minister first that the document was cabinet-in-confidence. In fact, as it was a document prepared by a consultant for cabinet, I do not think it can really be given that status. Certainly the public accounts committee rejected that. We were told that it could not be released under the freedom of information laws because a conclusive certificate had been issued. These things just do not apply when a committee calls for documents. It is a very concerning thing.

The public accounts committee is raising this at the end of this term because we are giving the government one last chance to table the functional review, to retrieve the ACT Legislative Assembly's reputation for transparency, for accountability and for running with the interests of our community in mind.

This is Mr Stanhope's last chance to table that document. Of course he can choose to do so any time before the end of this Assembly. Not to do so would be a very bad way, I believe, to end this term of government when we are going to an election. We would very much say this is an indication that majority government and government majorities on committees do not appear to be the best ways of progressing accountability, democracy, and transparency in the ACT.

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) (11.58): Mr Deputy Speaker, the government will be opposing the motion. I am sure that comes as no surprise to anyone conversant with or supportive of the Westminster system of government and the Westminster conventions.

This is a cabinet document. Members are well aware that documents prepared for cabinet, under ACT legislation, are embargoed for a minimum period of 10 years. The government will not be tabling this document today. The motion is, as we all know, simply base politics—at its best; it is vexatious at worst—and displays a complete lack of understanding or support for how cabinet government works.

The government, of course, understands members' interest in the functional review. Dr Foskey underlines that interest with her motion. That the review continues to attract a great deal of interest is not unexpected for such a wide-reaching, timely and necessary review of government services. The motion of today, in the context of an impending election, is essentially an exercise in politics by the Greens as they continue to seek some relevance.

All governments should have the capacity to review their operations and to examine the efficiency and effectiveness of services that they fund and deliver for their communities. This type of review is not new. Responsible governments do these reviews from time to time to assess the efficiency and effectiveness of their services, structures and systems to ensure the sustainability of services to the community.

In undertaking these reviews, governments need the capacity to make difficult decisions around resourcing. These decisions need to be made within the confidentiality of cabinet. There is no question that the strategic and functional review was prepared for cabinet consideration and was never intended for public release. At the time that I announced the review—before the review was undertaken—I emphasised that that was precisely its purpose. I have reiterated this position previously on the floor of the Assembly and in correspondence following previous requests by Dr Foskey.

Members are well aware that cabinet confidentiality is a key principle of the Westminster form of government. To provide wider access to this document would undermine that principle and would diminish the ability of this and future governments to operate effectively. The attitude and approach we take in relation to this particular document—which is a cabinet document and always has been a cabinet document—in relation to its confidentiality is the position that has been taken by every single government in this place in relation to the Westminster principle and the need to observe and conserve it, and most particularly the convention as it applies to cabinet, decision-making cabinet government and the confidentiality of cabinet documents. I had these very same discussions with the previous government when I was a member of the opposition. Members are well aware of that fundamental principle of the Westminster form of government.

The functional review's terms of reference were deliberately wide. They were deliberately wide-ranging—to look deep into the ACT public service and the

government services provided by departments and agencies. The review's task was to give cabinet the very best of information on the future directions of the territory. It was also to give firsthand, frank advice on the potential risks facing the territory into the medium and longer terms. The government was not afraid to receive frank and hard advice and it did not back away from the changes needed to bring the territory structures, finances and services onto a sustainable footing.

To focus on the physical report of the functional review, as this motion does and as Dr Foskey is fixated on, is short-sighted and completely misses its point. The release of the report—the physical report—will not serve any purpose. It is no secret—we all know this, though some deny it—that there has been a serious fiscal imbalance, with the territory's expenditure effort being 20 to 25 per cent above average and its revenue effort being at around average levels. It is no secret that since self-government we were spending too much and earning too little. It is no secret that the government could have taken the easy path, which other governments have taken, of doing nothing. That would not have been sustainable in the coming decades. While there was not a crisis, there would have been. Action had to be taken.

In the 2006-07 budget, the government informed the community of the reasons why tough decisions had to be made—many of which were not popular with certain groups in our community. We had no choice but to confront the realities. The superannuation cash payments were forecast to increase by more than 700 per cent over the next 30 years, from $60 million to almost $450 million a year in real terms. Health costs had the potential to constitute half of the budget by around 2020, from the current proportion of around a quarter of the budget—leaving absolutely no capacity to fund other services. There were 18,000 empty desks in our public schools.

The government took decisive action to address these issues, making services more efficient and reducing the cost of administration. It introduced expenditure measures which constituted around 65 per cent of structural adjustments. Revenue measures contributed around 35 per cent. The reforms delivered more than $100 million per annum in efficiency savings. Structures were streamlined and back office costs were reduced. The government has restructured the territory's finances without compromising the services it delivers. In fact, services in all priority areas have been enhanced. Expenditure has been more tightly controlled and efficiency gains directed to front-line high-priority services. What is important is the decisions that the government has made. What is important is the outcomes for the community.

I ask members of the Assembly to note the more than $100 million per annum of efficiencies embedded in the budget. Members should note the record investments this government has made in health, education and infrastructure—investments made possible by the efficiencies implemented through the 2006-07 budget decisions. Members should note the healthy budget position and the strength of our economy as a result of the government's prudent financial management. I ask members to note the confidence in the territory's economy and the record levels of investment that such confidence has delivered. Members should note that we have the lowest level of unemployment—virtually full employment in the territory.

These are the outcomes that should be commended. These have been the outcomes achieved through the government's prudent financial management through tough

decisions. The functional review was but one part, albeit an important part, of the decision-making process.

What is relevant is the decisions that the government has made, irrespective of what the functional review recommended or did not recommend. What is relevant is the record investment in education, with one new school—one new state-of-the-art school, one must add—being built every year. What is important is the massive school upgrade program—every school in the territory being upgraded. What is important is the $300 million investment in health infrastructure—just the first tranche of a $1 billion investment in health infrastructure over the next 10 years. What is relevant to focus on is the $1 billion infrastructure investment program.

For the member to focus on the release of the report—the physical release of the report—is simplistic and counterproductive. The $242 million for climate change initiatives is what matters. That is what the focus should be on. The $250 million for transport infrastructure is what is important for the territory. A new women's and children's hospital is what matters to the community most. A new mental health capacity is what is important to the people of Canberra.

The government is more than happy to be accountable for the outcomes it has achieved for the community and for the economy through the decisions that it has made. Today members can either focus on the release of a cabinet report or look ahead to building the territory's future. I believe that the community would prefer the Assembly to focus on building the territory's future—building for the future, building for future economic stability. We are building for the future and the capacity to maintain a level of government service delivery that we are able to provide as a result of economic stringencies and the fact that in the ACT we now enjoy the strongest balance sheet of any government in Australia.

We had strong surpluses over the budget and the cycle; we have the capacity to fund a billion-dollar infrastructure fund through cash and through anticipated cash in surpluses predicted over the budget cycle—the capacity to plan for the future; the capacity to develop a billion-dollar infrastructure fund over and above our annual capital budget that allows us to plan the complete replication and replacement of our health infrastructure, a $300 million first tranche in this budget to deliver a women's and children's hospital; the capacity, through the economic stringencies which resulted from the functional review, to provide for a future commitment of $250 million in transport infrastructure, a commitment of $100 million more to our climate change initiatives and an additional $50 million for IT infrastructure within the territory; the capacity to commit $100 million to community amenity, for barbecues, playgrounds and all of those things that make Canberra the wonderful place it is and the place that we call home.

They are decisions, commitments, policies, resources, capital and programs that can be delivered only as a result of a strong balance sheet, a stringency that allows our revenue effort to match our expenditures—expenditures that still run at over 20 per cent above the national average on a revenue base that matches the national average. It is through those $100 million of embedded savings and efficiencies, which are an outcome of the functional review, that we are able to do that.

These things are quite simple. We still spend at 122 per cent—in other words, at 22 per cent above the national average in delivering government services for the people of the ACT—yet our revenue effort is only 104 point something per cent, just above the national average, in the middle of the ruck, consistent with our neighbours: lower than three jurisdictions in Australia, average across the board.

How is it we do that? How is it that we have the capacity to deliver services at 122 per cent—in other words, 22 per cent above the national average—whilst taxing at the national average and still run a surplus? It is through the strength of the budget. It is through the embedded savings. It is through the efficiencies. It is through the tough decisions that were taken as a result of decisions we took in that particular budget as a result of advice we received—some of which we accepted, some of which we did not. A perspective, advice and a position in relation to matching the difference between historically high levels or over-levels of expenditure in the ACT give that capacity.

We did it; we have done it. We succeeded. The results are there for all to see. You see it in the record levels of expenditure on health and education, in the taking of mental health expenditure from the lowest in Australia when we came to government to the second highest in Australia over our two terms of government. Just reflect on that. When we came to government, the level of expenditure on mental health was the lowest in Australia—a matter of shame. It is now the second highest in Australia, as a result of massive injections. We have increased funding for child protection by 167 per cent. We have increased funding for disability services by in the order of 70 per cent. We have doubled expenditure on fire and emergency services. We have done that as a result of the decisions that we took in the 2006-07 budget as a result of the tough decisions that we took arising out of the functional review.

The focus today is for the purposes of a political stunt—a focus on the document, on the report, not on the outcomes. You can understand why our opponents in this place, the Liberals and the Greens, do not want to focus on the outcomes. I know how uncomfortable the Greens are at the massive $240 million worth of expenditure on climate change—a party that do not have a climate change policy, but still maintain themselves as the Greens. Of course they do not want to talk about that.

Of course they do not want to talk about the Australia-leading green car legislation that was introduced today—Australia leading, an Australian first: the only jurisdiction in Australia that now provides differential stamp duty, that actually encourages people to buy low-emitting vehicles. I must go and search the press releases for the Greens' congratulations on this world-leading legislation—the glowing endorsement of the legislation, a commitment that is a result of our capacity to legislate, with the knowledge that we have a strong balance sheet, the strongest balance sheet in Australia. These things do not happen by accident; they happen as a result of tough decisions. We have the strongest balance sheet in Australia. Nothing has ever been achieved by any other government, because no other government ever had the capacity to take the tough decisions that we took that have delivered those results.

The other great irony in relation to the fruits of the tough decisions we have taken is to see the unholy rush, most particularly by the Liberal Party in their election promises, to spend it—to spend the bounty of the tough decisions that we have taken. They have

the capacity now, or they think they have. But they have overdone it a bit with their $250 million worth of promises to date. *(Time expired.)*

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 SMYTH (Brindabella) (12.14): I had to reread Dr Foskey's motion because I suddenly thought I was participating in the wrong debate, and that I might have been participating in a debate lauding the achievements of the government. For 14 of his 15 minutes, all that the Chief Minister did was prattle on, as he often does, with a list of his supposed achievements. He did not once address the motion; he simply said, "No, you can't have it."

That is the problem with the attitude of this minister, and that is the problem with this government: they are so arrogant and so out of touch with the ordinary people, the ordinary citizens of Canberra, that they feel they can get away with anything. The Chief Minister, on the day of the election in 2004, said, "You have nothing to worry about in having a majority government." Well, there is plenty to worry about in having a majority government that refuses to honour its commitment to be more honest, more open and more accountable.

The Chief Minister's one line of defence was, "Westminster lets me off the hook." Well, he should read the *House of Representatives Practice*, because that is not what Westminster does at all. Under the Westminster system, committees have the power to investigate. Indeed, if you follow it to its natural conclusion—and it is shown here in the *House of Representatives Practice*—Westminster actually authorises committees to go and seek documents. It is a power that is not often used, but it is a power that committees have. As an extrapolation of standing order 239, the federal parliament, particularly through people like Greenwood and Ellicott, has often said that you can take the step of going to search for the papers yourself.

But that will not happen here today, and I suspect that the document will not be tabled here today, because the Chief Minister will use the numbers that he has. He feels that, because he has nine votes, leaving eight remaining, he will not be held accountable. Yet the committee system, in a one-tier house, is very important, because it has the job of keeping the government accountable. It is interesting that Ellicott and Greenwood say that each house—and I quote:

> … is entitled to investigate executive action for the purpose of determining whether to advise, censure, or withdraw confidence. It would indeed be odd if a House could not inquire into the administration of a department of State by a Minister in order to judge his competence before determining whether to advise him, censure him or withdraw its confidence in him. Each House of the Commonwealth Parliament can, therefore, in our view, as a necessary consequence of the existence of responsible government, exercise investigatory powers through committees in order to exercise what might broadly be called an advisory function.

There it is; that is the Westminster tradition, Chief Minister, that you clearly do not understand. Indeed, Mr Speaker, we have standing orders in line with the Westminster

tradition, and I compliment you on the review that was done. One of your achievements, which no-one else has done to this time, has been to review the standing orders and get it through this place. My memory—I checked to make sure that I was right, and the vote recorded it—is that these standing orders were unanimously passed by the Assembly. All 17 members agreed to confer on the committee system the power to call for papers. It is called standing order 239, Chief Minister; you might like to read it sometime. I will read it for you, because you obviously do not understand it. The subtitle of 239 is "Power to send for persons, papers and records". It reads:

> A committee shall have power to send for persons, papers, and records.

The public accounts committee has exercised that power. We asked in committee, we wrote nicely, we wrote using standing order 239, and we got excuses that show that the Chief Minister does not understand it. He put his signature on these letters that he wrote back to us, and he does not understand that power. He sees himself as being above the power of the Assembly, he sees himself above the power of the standing orders, and he certainly sees himself above the power of the committees to operate as they must, as they are compelled to do by the Westminster tradition that the Chief Minister is so keen on quoting and that is encapsulated in the standing orders.

There is a principle at stake here—that is, the role and powers of the committees here in the ACT. That is what is at stake here, because if the government today do not agree with this motion, they are repudiating standing order 239, and we might as well take standing order 239 out of the standing orders. On 6 March this year, it was passed on the voices; people did not even call for a vote, because everybody agreed. It was passed by the Assembly by unanimous acclaim. And if you believed it then, you must believe it now, and you must enforce it. Otherwise, you are saying that you do not believe that you are ruled or controlled by the standing orders, and that you are not responsible to this Assembly.

In effect, Chief Minister, the minister for human rights, you are saying that you are above the law. It is that level of arrogance that is truly resounding in the community, because they know you are not above the law and they are waiting to introduce themselves to you personally on 18 October, to remind you of who you are and of who they are. Standing order 239 is at the heart of this. There is the fact that we all voted, we all agreed and we all said, "Yes, we agree to this power being bestowed upon our committees." And your arrogant refusal to acknowledge that will not help you.

There are many examples where what is purported to be in the functional review is not confirmed by what the government carried out. Recently, at the bushfire inquiry, the former commissioner, Peter Dunn, appeared, and he made a number of comments. He said: "I wrote to the functional review and said you cannot use that data. You cannot use the report on government data to compare the ACT to other jurisdictions because they have different functions. For instance, some have fire and emergency, some have rescue, some have search functions and others do not. Therefore your data is incorrect." He thought he had agreement. Mr Speaker, I seek leave to table the document that Mr Dunn sent to the committee.

Leave granted.

MR SMYTH: I table the following document:

> Strategic and Functional Review—Copy of letter to Mr Michael Costello, AO, Chairman, Strategic and Functional Review, from Mr Peter Dunn, AO, Commissioner, ACT Emergency Services Authority, dated 4 April 2006.

In this letter from Mr Dunn to Mr Costello—it was borne out in the committee inquiry, and it was feebly refuted by Mr Corbell in the committee inquiry, and I will refer to the proof *Hansard* if I get time—he stated:

> Notwithstanding this, it must be noted that the ESA has over-achieved against budget last financial year and in the current year. This continues an unsatisfactory historical situation that has seen a Treasurer's advance situation develop both in the former ESB and now in the ESA on an annual basis.

He then went on to say:

> But, on top of that, we have been asked to fund more functions … The second area that should be mentioned is the cost pressure that has occurred as a result of the ACT—

the government—

> agreeing to participate in the Australian Government Program to develop an urban search and rescue capability.

So they are told: "Here's another function, go and do it. It's going to cost you half a million dollars but we want some savings." And this is the fault and the fallacy at the heart of the thing that is called the functional review. In his letter he goes on to say:

> As this is a new capability for the ACT, funding is needed if it is to be created. Provision is currently made for this capability in Budget Paper 4 but it is offset by a saving provision of an identical amount.

He then says:

> The Minister for Police and Emergency Services is of the view that this offsetting provision should be removed.

He goes on to talk about a number of other things, including funding for the InTACT costs for the ESA and the fact that there was a joint study undertaken by ESA and Treasury. But at the heart of it, and what Mr Dunn then told the committee, was: "We were doing other functions but we were not getting the money that was required for it. We were employing more people. We were being told by the government to go ahead and employ these other people."

The information is contained in the statement of intent, in the contract between the government and the ESA at that time, but they were never given the money. Promises were made and were not kept. On the basis of that understanding, the government

went ahead and reversed the decision from McLeod to create an independent authority but then took funding off them. They would not fund them for the things that had been promised. So, in effect, the government created an untenable situation, caused the budget to blow out and then blamed the commissioner for his faulty financial practice.

These are the documents that are at the heart of the functional review, and that is why the functional review must be tabled. It was interesting to hear the Chief Minister say they had accepted some but not all. So we cherry-picked the bits that we wanted. We did not give credibility to the entire report. They need to table the report so that we all know, in this place, and so that the public also knows, that the decisions that were made were well made.

The Chief Minister said on several occasions, "You need to focus on the outcomes." So the end justifies the means. It is a matter of saying, "Forget the process, forget the public, forget the community, forget the committee, forget the Assembly, forget the standing orders; as long as I get what I arrogantly want and demand, it's okay." And that is the problem with this Chief Minister: his arrogance is getting in the way of good government. This report should be tabled this afternoon. These standing orders should be supported by all members of this Assembly. This should occur today. *(Time expired.)*

MR PRATT (Brindabella) (12.24): I support Dr Foskey's motion and I wish to add my voice to the need to goad this government into reversing the arrogant position it has taken in relation to the functional review and, indeed, to the very question put here about releasing the document concerned.

The functional review impacted on all aspects of the territory and was espoused as having within it the evidence that supported the slash-and-burn budget of 2006. Where is the accountability and transparency of this government that should have allowed us, as a parliament, to understand the grounds for such earth-shattering changes to our community? The 2006 budget was quite an extraordinary piece of work, as was, of course, the functional review that was coupled with that. These were earth-shattering moments. This Assembly, in accordance with the normal Westminster tradition, had a duty to exercise on behalf of the people of this territory to analyse all of what had occurred. Of course, Mr Stanhope, in his arrogant fashion, has not allowed that to occur.

Picking up on a comment that the Chief Minister made earlier in this debate, I recall him saying words to this effect, "Despite the rationalisation, services in all areas have been enhanced." That is what he said. How can he say that in the spirit of this debate, when we know, just by taking a handful of examples, that this cannot be true? We know that, as a result of the knee-jerk slash-and-burn rationalisation in mid-2006, the bus network was decimated. There was no enhancing of services there as a consequence of the rationalisation exercise.

The Chief Minister had the hide to stand there today and say, "You people in the Assembly, you mere mortals in the ACT Assembly, don't need to review the processes that we undertook as a government when we went through a rationalisation, because everything was just dandy, because all the services were enhanced and nothing suffered." In fact, the reason that the Assembly wants and needs to scrutinise

the government's functional review process is that everything was not dandy. It was very apparent from July 2006 onwards that fundamental services were beginning to suffer quite significantly. Perhaps the most obvious example of that was the slashing and burning of the bus network in 2006. That is why the Assembly said: "Come on; how did you make the sorts of rational decisions to come to that view? Give us a look at the documents. Give us a look at the papers."

As Mr Smyth put so eloquently, as he usually does, the Chief Minister's arrogant treatment of standing order 239 is proof of that arrogance. It is proof of that attitude that says: "Look, we'll govern the way we want to govern. We kind of do take this town for granted, so we can govern in an arrogant way. We don't really have to subject ourselves to any form of transparency. Therefore, leave it or lump it." That is the way that this government works.

I want to focus on one area before the lunch break—that is, the Emergency Services Agency. It used to be called the Emergency Services Authority until the rationalisation got its little hands on it. I know that Mr Smyth has covered this in quite some detail but I will refer to it again. Peter Dunn, when he appeared before the legal affairs committee inquiry into the performance and organisation of the ESA, and into bushfire management and the organisation, was critical of the information et cetera which was provided to the functional review. I will repeat the quote of what Mr Dunn said on 20 June in relation to the disastrous decision to restructure the ESA. I am sure that Mr Smyth has tabled this, but I will repeat it for the benefit of the *Hansard*. He said that he had written formally to Mr Costello to advise that the report specifically excludes—

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

Gas-fired power station

MR SESELJA: My question is to the Minister for Health, Ms Gallagher. I refer to your answer to a question yesterday in regard to the gas-fired power station and data centre and the EIS, and the relationship with your health impact assessment steering group, when you said:

> The decision we have taken is that the health impact assessment should run along with the full environmental impact assessment that is now underway. They have been rolled in together, and those processes will run concurrently.

Minister, we have been told by constituents that consultants, Golder Associates, have today informed them that the health impact assessment steering group has been scrapped. Can you confirm that this is the case? How do you reconcile this with your statements from yesterday?

MS GALLAGHER: I thank Mr Seselja for the question. The answer to the question is very simple. The health impact assessment is done by consultants which were

retained to do the work. The steering group was a community panel established by me to provide advice to me, to the minister, based on the work that the consultants have done. The consultants will continue that work; that is, the health impact assessment will be done. It will feed into the environmental impact assessment.

As the steering committee was established to provide advice to me directly as the Minister for Health in interpreting the consultants' work that was done, and as I am no longer in charge of that process—and a full EIS is underway—there is no need for the steering committee to continue their work.

The health impact assessment is being done. The consultants are continuing on that work. That will feed into the EIS. But in terms of a panel that reports to me based on that, there is no need for that to continue as the environmental impact statement is being completed.

Mr Pratt: Why not? Who is the independent authority in the EIS that replaces the—

MS GALLAGHER: You will get your turn, Mr Pratt.

MR SPEAKER: Order! Mr Pratt, Mr Seselja is asking the questions. And he will ask a supplementary.

MR SESELJA: Indeed, thank you, Mr Speaker. Minister, will a similar body be established to advise the planning minister in relation to the outcomes of the health impact assessment?

MS GALLAGHER: You will have to ask the planning minister what happens in response to the full environmental impact statement. I cannot speak on his behalf. All that I know is that, with respect to the community panel which I established, the health impact steering group terms of reference actually outline the process and go to the fact that a consultant will be appointed to do the work in undertaking the HIA, and that the health protection service will be the project manager. That work is still ongoing. The consultants will simply provide that to ACTPLA through the statutory process, rather than to me as the minister for health, in a non-statutory way, which was the process that I had initially established.

Rhodium Asset Solutions Ltd

MR SMYTH: My question is to the Treasurer. Treasurer, I refer to your announcement on 22 July this year that the sale process for Rhodium Asset Solutions Ltd had been terminated. Treasurer, what went wrong with the sale process for Rhodium?

MR STANHOPE: Mr Speaker, the sale process was terminated as a result of a breakdown in negotiations between the Treasury and the potential purchaser. It is as simple as that. The offer that was being negotiated between the ACT through Treasury and the proposed purchaser simply did not meet the expectations or requirements of the ACT government or Treasury in relation to the sale. At the end of the day, the terms and conditions offered by the potential purchaser simply were not acceptable, and negotiations were terminated.

MR SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Treasurer, are there any other issues or matters pending with the operation of Rhodium of which you are aware and are concerned about and of which the Canberra community should also be made aware?

MR STANHOPE: That question is so hypothetical, Mr Speaker, that it just is not possible for me to respond.

No waste strategy

DR FOSKEY: My question is to the Minister for Territory and Municipal Services and is in regard to the review of the no waste strategy. I understand that the review was completed by the department in May and has been forwarded to the government for consideration by the end of July. Has the government received and considered the review? Has it made any significant amendments and, if so, what are they?

MR HARGREAVES: Yes. No.

MR SPEAKER: A supplementary question, Dr Foskey.

DR FOSKEY: Will the original consultants' review and their recommendations be released publicly?

MR HARGREAVES: No.

Gungahlin Drive extension

MR STEFANIAK: My question is directed to the Chief Minister. Chief Minister, yesterday you stated, with reference to your 23 July, 5.40 pm announcement to duplicate the Gungahlin Drive extension, that:

> The GDE was not a budget project. It is not funded in the budget … it was not a budget decision.

On Tuesday you said:

> The budget papers for this year refer to the GDE duplication as a priority.

As these statements are inconsistent, which one is correct?

MR STANHOPE: The statements are quite consistent, Mr Speaker. I do understand that the opposition has always struggled with some of the base issues in relation to economics and, indeed, in relation to economic management. We see that and I guess it really explains the nature of the lack of understanding that the member expresses. There is a significant difference between appropriation and provision. I think the budget papers are quite clear on that. There is no appropriation for a duplication of the GDE. No budget decision was taken. There is no appropriation.

The explanation of Mr Smyth, the shadow Treasurer, yesterday was, "Well, how could there be any provision in the budget papers for the GDE when one looks in a budget that just says nought, nought, nought." Yes, Mr Smyth—shadow Treasurer and potential Treasurer for the Australian Capital Territory—that is because no moneys were appropriated in the budget for the duplication of the GDE. The government had not taken a decision at the time that the budget was prepared and delivered to duplicate the GDE.

But the business of government does not stop. It continues to run. That budget was finalised in April. Time moves; life goes on; government continues. We have an election. Surprise, surprise! In the context of an election and a need for the people of the ACT to understand the intentions and respective positions of prospective alternative governments and parties, one explains and outlines the forward program—a third term agenda—on our behalf. A third term agenda of my government would be the full duplication of the GDE.

What I did say by way of explanation in relation to the capacity of the budget to fund the duplication of the GDE was that within the budget papers—this goes very much to Mr Stefaniak's question and this is the distinction which certainly the shadow Treasurer yesterday just failed completely to grasp or understand—no moneys were appropriated in the immediate past budget for the GDE but a provision was made—

Mr Hargreaves: That is right. They do not know what a provision is.

MR STANHOPE: Yes, a provision is made in the budget papers, and through the budget, for a $1 billion infrastructure investment. This is massive and unprecedented. To show the extent to which this is an unprecedented investment in the territory in the future, the average expenditure by the Liberal Party in government on capital works was in the order of $65 million. That is the average expenditure of the Liberal Party in government. It was between $60 million and $80 million. We are talking here about a period of over six years. What is that? It is less than $400 million. In seven years in government the Liberal Party managed a capital program of less than $400 million. In our last financial year budget, we delivered $314 million of capital on the ground.

I guess some of the numbers are too big for the Liberal Party. We now talk about a $1 billion infrastructure commitment. Compare this with the Liberal Party when Mr Smyth and Mr Stefaniak were in government as ministers. When they got into budget cabinet they grappled with and agonised over their $60 million capital program. They thought, "Oh, my goodness—

Opposition members interjecting—

MR SPEAKER: Order! There are far too many interjections. Chief Minister, come back to the subject matter and direct your comments through the chair, please.

MR STANHOPE: Thank you, Mr Speaker. This is the difference. I do hope that having this question asked by the shadow Treasurer yesterday and Mr Stefaniak today I can say that it is true, that there is no appropriation in this year's budget for the GDE but there is within this year's budget provision for a $1 billion infrastructure fund—

Mr Pratt: Which you will improperly splash up against the wall.

MR SPEAKER: Order, Mr Pratt!

MR STANHOPE: and expenditure out of the infrastructure fund of $250 million on transport and transport-related issues. Of the $250 million provided through the infrastructure fund for transport and transport-related initiatives there is a capacity for an additional $83 million of expenditure. *(Time expired.)*

MR SPEAKER: Supplementary question, Mr Stefaniak?

MR STEFANIAK: Yes, Mr Speaker. Thank you, Chief Minister, but isn't it simply the case that the GDE duplication was not a priority for your government, that you were simply caught out on 23 July and that the rushed announcement was to cover up for your own incompetence?

MR STANHOPE: I must say that I think this is the sixth question in three days on the GDE. They are questions which are really very much about, "Goodness me; you kicked sand in my face in the preschool playground." It is very much about: "Oh, how dare you have anything to say about the GDE? We wanted to do that," or "That was my story." Poor Mr Seselja! Somebody stole his little sand bucket and his little sand shovel. Oh, poor Mr Seselja!

MR SPEAKER: Chief Minister, have you finished?

Mr Stanhope Yes.

Rhodium Asset Solutions Ltd

MR MULCAHY: My question is to the Chief Minister and Treasurer. Can you explain in more detail the actual factors behind the collapse of negotiations for the sale of Rhodium, including whether concerns about the management of Rhodium, including the state of company records during its life as an ACT government entity, played a role in the collapse of negotiations?

MR STANHOPE: In relation to the negotiations, it is similar to the question asked by Mr Smyth; it has some similarity or some connection in that at least they are both about Rhodium. In relation to the detailed reasons as Mr Mulcahy expresses them, it would be best to take the question on notice.

Mrs Dunne: I think I would too if you are this embarrassed. I would take it on notice too.

MR STANHOPE: I am not a bit embarrassed. And ask for a detailed statement from Treasury in relation to what the sticking points in the negotiations were and what it was about—

Opposition members interjecting—

MR STANHOPE: I do, but, as always, I want to be certain in my response. It is part of our commitment always to be absolutely truthful, honest, open and transparent in our answers. For the sake of certainty, it would be best if I took the question on notice to provide that detail.

In terms of the second part of the question—was there anything in relation to the accounts or the operation of the company that was relevant to a decision to terminate the negotiations?—the answer is no.

MR SPEAKER: A supplementary question, Mr Mulcahy?

MR MULCAHY: Thank you, Chief Minister, for that information and undertaking. How much longer will the ACT government, or more particularly the taxpayer, bear the cost of Rhodium losses?

MR STANHOPE: As I announced some weeks ago, as a result of the breakdown in negotiations for the sale of Rhodium, the government will pursue a different path. We will now seek, through an expression of interest process, to identify a provider of fleet services for the territory. There is a state of flux. I would not and cannot answer that question with any certitude. But I am certainly more than happy to seek what information is available or what assumptions Treasury have made in relation to the accounts and I am more than happy to make that available for members.

Public housing—energy efficiency

MR GENTLEMAN: My question is to the Minister for Housing. Minister, the government announced its climate change strategy last year. The strategy included investment of $20 million over 10 years to improve the energy efficiency of public housing properties. What is the progress on this initiative?

MR HARGREAVES: I thank—

Opposition members interjecting—

MR HARGREAVES: Two seconds before they squealed! I thank Mr Gentleman for the question and for his ongoing interest in the plight of our homeless and people in public housing because it is an interest that has been of very long standing, in stark contrast to those chirpers across the channel.

The government's climate change strategy, *Weathering the Change*, is a landmark commitment to reducing emissions. It recognises that, as public housing is approximately nine per cent of total housing stock in the territory, improvements to these dwellings are critical to meet the challenge of climate change. As public housing in the ACT is, on average, the oldest stock of any state or territory, the energy efficiency ratings on many of the properties are low. *Weathering the Change* responds to the fact that climate change will impact disproportionately more on lower income earners and older people and those residing in older homes.

I am pleased to announce that the government has made significant progress on this initiative, with over $1 million worth of improvements already being carried out at

some 300 public housing properties. It is a shame Dr Foskey has decided to absent herself because she was interested in this, I thought.

Mr Mulcahy: She has moved out.

MR HARGREAVES: She has moved out of public housing.

MR SPEAKER: Order, Mr Hargreaves! Just come back to the subject.

MR HARGREAVES: The work includes installation of wall insulation, top-up to ceiling insulation, draught sealers and improved heating and hot water systems, including solar. Anyone that says we are dealing with only 300 houses and that is not enough has not taken into account that Housing ACT is not only retrofitting existing properties but is ensuring new properties meet the high standard of energy efficiency. This is simple when it comes to constructing new dwellings. A requirement of the planning laws in the ACT is that all newly constructed properties must have a five-star energy rating.

When Housing ACT purchases an existing property, its policy is that new purchases have to meet a minimum three-star energy rating. Where a client with special needs requires a house and the most suitable house has a low energy rating, Housing ACT carries out the work required to bring it up to a three-star rating.

I am pleased to say that *Weathering the Change* is a demonstration of my government's continuing commitment to improving the energy efficiency of public housing properties. One million dollars was allocated in the 2005-06 budget for water energy savings initiatives. This resulted in solar hot water systems and gas ducted heating being installed in about 30 properties. Over 40,000 low-energy light bulbs were also given to public housing tenants at no cost.

To support our efforts on the property side of things, information on behavioural changes that could be made to make a difference to energy bills and improve energy efficiency was also given to public housing tenants last year. This information, including advice such as ensuring that all doors are closed when the heater or cooler is on, running heaters only when you are at home, reducing thermostat temperature, turning off lights, closing windows, would make a big difference to energy consumption and energy costs.

Housing ACT installs energy efficiency measures as part of its maintenance program. It also has installed water-saving measures under an additional ACT government investment of $500,000 over two years. The water improvements have included installing water-saving devices such as triple-A rated water-saving shower heads, douse valves, boundary limiting valves and other water flow retardants and dual flush cisterns.

On top of the $1 million allocated last financial year, the second instalment of the $20 million, $2.3 million, is allocated this financial year to continue making energy efficiency improvements to public housing properties.

The climate change initiative demonstrates this government's commitment to the environment and to the welfare of public and community housing tenants. The environmental benefits will accrue for many years. At the same time, it will afford many public housing properties considerable savings on their annual household energy costs.

Housing ACT is currently installing solar hot water systems in many of its properties. As you would be aware, solar hot water systems use the heat from the sun to produce hot water at a significantly lower cost.

I am also pleased to advise you that Housing ACT has installed photovoltaic electricity systems at two of its complexes. Photovoltaic systems generate electricity by converting energy from the sun into electricity. I have more, but time got away.

MR SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Thank you, Mr Speaker. My supplementary question is: what further energy efficiency savings do you perceive for ACT housing?

MR HARGREAVES: I was talking about the photovoltaic systems that generate electricity by converting energy from the sun into electricity. A number of housing complexes have had panels installed on their roofs, and they generate electricity which is fed back into the electricity grid. I would like to record our appreciation of Mr Gentleman putting photovoltaic energy on to the road map of energy production. It is this sort of leadership that this side of the house provides to the community of the ACT. Those opposite sit there gobsmacked—well, somebody smacked their gob, anyway. I do not know quite who it was, but they have had their gob smacked quite a number of times.

Consideration has been given to installing photovoltaic systems when small systems are constructed by Housing ACT. I have said in the past in this chamber that the construction of big, 200-unit dwellings is over. But that does not mean we are not going to build some smaller ones of, say, 12 units, sometimes two storeys, sometimes one. In those instances, we will be looking to put photovoltaic systems in those complexes. These systems will enhance the environmental benefits, save on energy costs for public housing and, hopefully, encourage other landlords and homeowners to do the same.

We have another 11 weeks to go until the election, and I am yet to hear any policy on energy efficiency in public housing from the Liberal Party. In fact, I am yet to hear any policy from the Liberals on either the environment in general or public housing. Mrs Burke has kept very silent of late, no doubt being gagged by her boss. As we know, he has been endorsing Giulia with a "G" instead of Mrs Burke with a "B". What have we got? We have got a B-grade player over there.

MR SPEAKER: Order! Direct your comments through me, Mr Hargreaves.

MR HARGREAVES: Mr Speaker, we have a B-grade player over there.

MR SPEAKER: Order! Playing to the audience is not appropriate.

MR HARGREAVES: I know, Mr Speaker, and they are having a big laugh at their expense, Mr Speaker.

MR SPEAKER: Mr Hargreaves, direct your comments to the supplementary question asked by Mr Gentleman.

MR HARGREAVES: All right, Mr Speaker. Mr Gentleman did ask, in fact, what we were doing into the future about energy saving in public housing. As I have indicated, there are significant funds in the budget—in the infrastructure fund and in public housing itself—for this issue. What are we seeing by way of comparison, which is what the public wants to know and what this Assembly wants to know. We are getting nothing out of those folks opposite. We do not know what they are going to do about energy efficiency in public housing. Perhaps, in fact, the way in which they can reduce energy use in public housing is to take what Mr Smyth did when he was housing minister—that is, reduce the number of properties by 1,000! That would switch off 1,000 light bulbs, would it not? That was a great energy efficiency method. Mr Speaker, I do not want to hit the children any more.

Gas-fired power station

MRS DUNNE: My question is to the Minister for Planning. Minister, will you rule out using your call-in powers in relation to the Tuggeranong power station?

MR BARR: Insofar as I will be Minister for Planning up until the ACT election, I can certainly rule out using call-in powers between now and then.

Hospitals—cancer treatments

MS PORTER: My question is to the Minister for Health. Minister, in light of the news of Calvary John James cancer clinic closing, could you update the Assembly on options for patients who are currently being treated there?

MS GALLAGHER: I thank Ms Porter for the question. The closure of the oncology unit at Calvary John James Hospital is unfortunate and disappointing, particularly for those patients who are being treated there, but it is a decision that has been made by a private company and as such the government cannot influence that decision. However, the Labor government is committed to improving health services for our community, and the long-term decisions we have made this year mean that treatment for patients at the clinic should not be interrupted. I refer specifically to the opening of the linear accelerator and our capacity to treat patients, in light of increasing demand, with that extra capacity.

Approximately 40 patients are currently receiving chemotherapy at Calvary John James Hospital and therefore will be affected by this closure. Discussions have been taking place between the doctors and the administration at the National Capital Private Hospital. National Capital Private has indicated that it is prepared to expand its oncology service in order to take on these extra patients. The majority of the

40 patients will have treatment at the National Capital Private Hospital, although a number have indicated that they would prefer to have treatment at Zita Mary oncology clinic at Calvary public hospital in Bruce. Zita Mary has the capacity to accommodate these patients. ACT Health will continue to monitor this issue. The government will be working to ensure that no patient misses out on vital care.

Last week I was able to open the new linear accelerator facility at the Canberra Hospital site. This facility was delivered at just under a $30 million budget. What it has allowed is that two new radiation bunkers have been built along the site of the Capital Region Cancer Service and have been able to accommodate the third linear accelerator. In years to come, at the latest by 2012, a fourth linear accelerator machine can be put in place.

All ACT Health medical oncology waiting times are within appropriate clinical standards, so effectively there is no waiting time for urgent chemotherapy or medical oncology. If needed, ACT Health can accommodate all the people requiring medical oncology who cannot be managed by National Capital Private following the closure of John James cancer clinic.

I should add that, in the absence of any other long-term planning in health care from any other of our political opponents as we lead up to this election campaign, many members are aware of the government's commitment around our $1 billion investment in our health system to ensure that we are ready and able to deal with the demands of our ageing population. Of course, a cancer centre is a key part of that infrastructure program. We have done the work to make sure that the public system in the ACT is in really good shape to treat cancer sufferers in the ACT and also more broadly to meet our responsibilities to residents of our surrounding region.

I am very sorry for the distress that this closure may cause those patients and their families, but I am confident from the advice that I have been given that their treatment will not be adversely affected.

MR SPEAKER: Supplementary question, Ms Porter?

MS PORTER: Minister, what future treatment options are available for cancer sufferers in the ACT?

MS GALLAGHER: Thank you, Ms Porter. As I mentioned earlier, the government has a plan for a new $1 billion health infrastructure program. It is being designed to serve the needs of Canberra residents and our regional neighbours now and into the future. Included in this program of renewal is the plan to establish a cancer centre of excellence. Patients requiring treatment for varying types of cancer will have access to treatment and there will be the ability to provide multidisciplinary treatment approaches all in one location. We are not able to provide this now.

This cancer centre of excellence will ensure that we have adequate capacity to meet future service demand and make sure that we are able to continue to offer high quality services. The Capital Region Cancer Service provides cancer services to a population of approximately 600,000 people—320,000 in metropolitan ACT and approximately 280,000 in south-east New South Wales.

Importantly, a centre of this kind would allow the bringing together of different facets of cancer management onto the one site, enabling holistic and integrated treatment plans, and integrating research and clinical practice so that they impact on each other for mutual benefit and complement the current local research programs. The concept provides for different treatment options such as medical oncology, radiation oncology and surgery.

This collocation of services would be of particular benefit to people from surrounding rural areas. It would enable them to access coordinated services at one visit rather than have to make several journeys for different aspects of their care and treatment. It would also enable us to provide services that we are not currently providing, thereby reducing the amount of travel our own population would have to undertake to go interstate for certain types of treatment.

I have already mentioned the opening of the third linear accelerator with a fourth on the way. The next stage of the development for the cancer centre will produce new radiotherapy treatment techniques—for example, for prostate cancer—and intensity-modulated radiation therapy, which will also become available in the ACT. This is an exciting development that promotes best practice cancer treatment for the region.

COAG has identified regional cancer centres as one of the major reform and service development areas to be further progressed through the work of the COAG working groups. The Chief Minister recently wrote to the Prime Minister pointing out that the ACT government's proposed cancer centre of excellence would service the surrounding rural areas as well as ensure that existing research groups dispersed across several facilities could be collocated on one site, integrating research and clinical practice.

Given the opportunities to improve cancer services for our local region, the Chief Minister has sought the Prime Minister's support in bringing a regional cancer centre to life here in the ACT to enable it to reach its full potential. I look forward to keeping the Assembly informed on this matter as it progresses.

Gungahlin Drive extension

MR PRATT: Mr Speaker, my question is to the Minister for Territory and Municipal Services. Minister, I refer to a quote from Alan Evans, the President of the NRMA, in the *Canberra Times* of 25 July 2008 about your government's announcement on the duplication of the Gungahlin Drive extension. Mr Evans said:

> If they'd done it in the first place it would have cost less money. They'll have to go back at substantial additional cost and it was also going to be needed.

Minister, is it not true that your decision to build one lane initially will result in considerable additional cost to taxpayers?

MR HARGREAVES: I thank Mr Pratt very much and very sincerely for the question. There are a couple of facts you need to know about the GDE.

Mrs Dunne: It's two lanes and you promised four!

MR HARGREAVES: All right; there are two facts you need to know. Fact No 1—you didn't build it. Fact No 2—we did build it. Game over. There are no prizes for second, Mr Speaker.

Mr Pratt: Fact No 3—

MR SPEAKER: Order, Mr Pratt!

MR HARGREAVES: The question that Mr Pratt asked is: would it not have been cheaper to have done it at the time? Yes, of course it would have been. But what happened? What about the costs? Let us go back and have a bit of a think about it. My memory is that there was a bit of a kerfuffle about the eastern and western alignment, and the Liberal Party's federal mates were brought into it, which delayed the project. Then, was it not true that we also had the "save the fridge" people—that is, the Save the Ridge people? Whenever you say things like that you have to pay copyright. The original came from a member of the Assembly staff, and I pay credit to that staff member. In our valedictory I might tell you which one it was.

Those delays cost us about $20 million or thereabouts—yes, about $20 million. Part of the reason was the increase in costs in the ensuing period. Mr Pratt, of course, does not know everything, otherwise he would not ask silly questions. He would know that those machines, the graders et cetera, over there on the road, the big yellow ones—you know, the Tonka toys, just like in your sandpit, Mr Pratt—use 70 litres of diesel an hour. In the period while these guys were stoking up people and saying, "We want it on the other alignment," or "You really should put a tunnel through O'Connor ridge," costs were raking up. Diesel went up by 17 per cent. It cost us $20 million.

Mr Pratt: Simon's tunnel!

MR HARGREAVES: Is that right? It is in your previous budget documents. Mr Speaker, in the 2000-01 budget documents put up by Brendan's government under that illustrious Treasurer, Mr Humphries, they were going to build two tunnels! The question is: would it have been cheaper? Of course it would have been—it was six years ago. But if those people over there had not delayed the project, we would have had it done by now. As it turns out, for months now, you have been able to get onto Gungahlin Drive and go all the way through. You could not do that when those people were in office.

I said to the people of Gungahlin, "I will deliver you a road," and I did. It was done. This government promised to deliver a road, and the people got a road. What did they get out of those people opposite? Nothing—just promises after promises after promises; delay after delay after delay. That cost us time, and that time wastage cost us money, and that wastage of money cost us having to build the thing into double lanes. Provision is now being made for that.

You guys can use the highway; you can go up the GDE and you can watch it emerge out of the ground. But, guess what, Mr Speaker: they are spewing because it does not

go anywhere near Macarthur and it does not go anywhere near Fadden. So the answer to Mr Pratt's question is: if you blokes had not got in the way, it would have been done by now!

MR SPEAKER: A supplementary question, Mr Pratt.

MR PRATT: Minister, why did you not do the job properly in the first place, as argued by the NRMA? Is it not true that you had no intention of duplicating the GDE within the next four to five years? Do not mislead the place! Just be careful!

MR SPEAKER: Mr Pratt, withdraw the imputation.

MR PRATT: It was a question.

MR SPEAKER: You cannot impute those sorts of things in the question.

Mr Smyth: You can, to John.

MR SPEAKER: No, you cannot. Just withdraw.

MR PRATT: Just so that we do not have any confusion, I withdraw, Mr Speaker.

MR SPEAKER: Thank you, Mr Pratt, and you will not interject. Mr Hargreaves, please direct your comments to the question.

MR HARGREAVES: We have delivered the road. People are driving on the GDE. It has been delivered. We have always intended to duplicate the road. It was in our forward planning, our indicative planning. We made some very significant economic decisions in 2006 which are now bearing fruit. The economic strength of the ACT has now got to the stage that we can get on and do it.

What will happen is that the Caswell Drive element will be done. There is provision in the budget—

Opposition members interjecting—

MR HARGREAVES: These guys over here do not know what provision is. It is an accounting term—accounting 101. Mr Pratt ought to go and see Mr Smyth for a lesson in accounting 101. That is where the money is provided to do it for the next four years. These guys have got to understand that the budget papers talk about four years into the future and the infrastructure fund. Budget paper No 5, page vii, says that there is $83 million to duplicate it. When did the budget come down?

Mr Pratt: Where was your commitment in April?

MR SPEAKER: Mr Pratt, I warn you. No more, please.

MR HARGREAVES: When was the budget provided to this place? Months and months ago. Did the Assembly, through its committee on estimates, have an opportunity to read budget paper 5, page vii? Yes. Were they sitting on that

committee? Yes. Did they read it? No. Otherwise they would not ask such a silly question, which is: were we going to do it? The answer is yes. It was in the budget papers.

Health—Wanniassa medical centre

MRS BURKE: My question is to the Minister for Health. I refer to the imminent closure of the Wanniassa medical centre. When were you first made aware of this closure and, given the government's attempts to take credit for the success of the Ainslie medical practice, shouldn't you now accept some of the blame for this closure?

MS GALLAGHER: I became aware of the closure of Wanniassa medical centre some time last week, I imagine at about the same time that everyone else became aware of it. Primary Health Care certainly does not ring me and advise me of decisions that they have taken. It was some time last week.

All of us in this Assembly have to understand that there are very few things that we can do about this. Whilst we can sit here and decide that someone should be blamed for it, everyone in this place understands that a decision of Primary Health Care is a decision for that business. They have made a business decision.

Mr Smyth: What did you do?

MS GALLAGHER: There are three things that I have done.

Mr Smyth: Three things?

Mr Pratt: We are not blaming you. We are not blaming you for closing it.

MR SPEAKER: Order! Mr Smyth,

MS GALLAGHER: I have written to Nicola Roxon about the GP shortages. I have written to Mr Bateman about the decision of Primary Health Care. I have met with health about looking at what we can do to get our walk-in centres operating in Tuggeranong as quickly as possible. Everyone in this place—unless they can come up with another idea—knows that that is the extent of the ACT government's power over this decision. Mr Smyth knows that and Mrs Burke knows that.

The discussion I had with Mrs Burke earlier today was about bipartisan support to look at what we could do around the future residents and a referral to a committee. I was happy to support this. I think it is worth looking at every single avenue to make sure that anything we can do to encourage more GPs to this region is done. That is what I have been working on for the past two years.

Mrs Burke has decided to enter this discussion now, and that is great. I think a standing committee inquiry to this is fine. But to ask for bipartisan support in the genuine interest of the Wanniassa community and then stand up about two hours later and try to blame this on me is a bit rich.

The only concern I had about a referral to a committee on this matter was that the committee will not be able to do anything to change this decision. My concern is that committees then start reviewing decisions made by private companies. If a newsagent in Wanniassa was to close and relocate to Phillip, is that something that needs to be inquired into by a standing committee?

Let us be real about what we can do to solve this issue for the people of Wanniassa. We can try to look at ways to enable another surgery to open there. We need to move past the decision of Primary Health Care. We cannot change it. Mr Bateman will not change that decision. We also need to acknowledge the work that Primary Health Care have done in the ACT since coming to town. There is no denying that bulk billing rates have gone up significantly since Ginninderra and Phillip medical centres opened. People's access to after-hours GPs has expanded as well.

Whilst we can say that we are not happy with Primary Health Care's decision, we also need to recognise them as a very valuable player in our overall health landscape here in the ACT. It is the reality of the situation we are in with a shortage of GPs. We need to look at what we can do around the Tuggeranong Valley. The walk-in centres are one area we as an ACT government can look at. We have already announced our plans around that. I look forward to the support of the doctors and the local GPs in assisting us to move forward with that model of care.

But it is not the only model of care appropriate for the valley. We need to do what we can to make sure another medical practice is able to open up in Wanniassa, should there be any GPs prepared to take on that business. That is where we need bipartisan support—to work on it; not pointing the finger at who is to blame when everyone knows that it is not my fault that this has happened. We need to work together to make sure we come up with a genuine solution for the issue at hand. That is what I am working on.

MR SPEAKER: Supplementary question, Mrs Burke.

MRS BURKE: Thank you, minister. What steps have you now taken to ensure that this practice stays operating?

Mr Stanhope interjecting—

MRS BURKE: That is what she would do. Let us hear what she has done—there is a difference Mr Stanhope.

MS GALLAGHER: I have outlined exactly what I have done. I cannot stop this decision; you cannot and you cannot; neither can the Chief Minister, neither can the Speaker, neither can anyone in the public gallery. Primary Health Care has made a decision.

Mrs Burke: What have you done to make sure it stays operating—that was the question. The question was: what have you done?

MS GALLAGHER: Your question asked what I have done to stop this from occurring.

Mrs Burke: Sorry, Mr Speaker, I need to repeat the question: Minister, what steps have you taken to ensure that this practice stays operating?

MS GALLAGHER: The practice will not stay operating; that is what I am explaining. The practice will close. There is absolutely nothing I can do. And there is nothing you can do Mrs Burke. The practice will close. Primary Health Care have made a decision. Mr Bateman will not change his mind. He has a business in Phillip and he has made a decision about that. We have all heard the comments of Mr Bateman this week around that.

There are three things I can do. I can work with the federal government, continue to lobby them for more GPs to go into training, or extend the incentive programs operating in parts of Canberra right across the ACT. That is what we want. In years to come, there will be an oversupply of junior doctors. There will be more doctors than there are positions available in our hospitals. We need to encourage those junior doctors to go into general practice.

Mrs Burke: That is not for now.

MS GALLAGHER: I know that is not now. If there were something we could do now, that would be fantastic. This is a longer-term solution that cuts right across local or state and territory governments and the federal government. These are the things in train now. But they will not help the people of Wanniassa tomorrow.

There is nothing I can do to stop that decision. What I can do is ensure that I am doing everything I can to make sure that I can deliver what the ACT government can offer in terms of primary health care in relation to the walk-in centres. I can lobby the federal government. I can express my disappointment to Primary Health Care about the relocation of their practice to Phillip.

Mrs Burke: Have you done that yet?

MS GALLAGHER: Yes, I have done that. They are the things I can do. If you have anything you can add, or if you think you can overturn this decision or keep this practice operating, if you think you can go out to the people of Wanniassa and say, "Don't worry, we'll be able to keep this practice operating," I will be very interested to hear about it. It is not politically comfortable. But the reality is that none of us in this place can stop this decision being taken.

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

Paper

Mr Speaker presented the following paper:

> Auditor-General Act—Auditor-General's Report No 4/2008—Maintenance of Public Housing, dated 7 August 2008.

Executive contracts
Papers and statement by minister

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): For the information of members, I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Devinder Grewal, dated 11 June 2008.

Tracey Hayne, dated 15 June 2008.

Short-term contracts:

Adrian Walsh, dated 30 June 2008.

Anthony Polinelli, dated 20 May 2008.

Craig Hooper, dated 2 July 2008.

David Colussi, dated 5 June 2008.

David Matthews, dated 19 June 2008.

Debra Chase, dated 1 July 2008.

Fiona Barbaro, dated 4 July 2008.

Floyd Kennedy, dated 13 and 23 June 2008.

Helen Pappas, dated 23 June 2008.

Janice Biggin, dated 12 June 2008.

Joanne Howard, dated 1 July 2008.

John Bissell, dated 13 and 15 June 2008.

John Meyer, dated 3 June 2008.

Julie Field, dated 25 June 2008.

Lana Junakovic, dated 3 July 2008.

Leanne Power, dated 26 March 2008.

Lisa Holmes, dated 4 and 7 July 2008.

Luke McAlary, dated 27 May 2008.

Mary Toohey, dated 25 June 2008.

Meredith Lily Whitten.

Michael Marsalek, dated 24 June 2008.

Michelle Callen, dated 18 June 2008.

Neil Cooper, dated 5 June 2008.

Nikos Christos Kalogeropoulos, dated 20 May 2008.

Robert Carter, dated 7 July 2008.

Robert Van Aalst, dated 2 June 2008.

Rosemary O'Donnell, dated 2 June 2008.

Sarah Byrne, dated 23 June 2008.

Simon Craig Kinsmore, dated 12 and 13 June 2008.

Sue Morrell, dated 19 and 24 June 2008.

Sushila Sharma, dated 18 and 19 June 2008.

Tania Manuel, dated 20 June 2008.

Tony Gill, dated 24 June 2008.

Contract variations:

Brenda Ainsworth, dated 10 May 2008.

Bronwen Overton-Clarke, dated 23 June 2008.

Kaye O'Hara, dated 30 June 2008.

Leanne Cover, dated 30 June 2008.

Meredith Lily Whitten.

Peter Kowald, dated 30 June 2008.

Philippa De Veau, dated 2 June 2008.

Stuart William Friend, dated 4 July 2008

I seek leave to make a statement.

Leave granted.

MR STANHOPE: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 26 June. Today I present two long-term contracts, 33 short-term contracts and eight contract variations. The details will be circulated to members.

Paper

Mr Stanhope presented the following paper:

> Remuneration Tribunal Act, pursuant to subsection 12(2)—Determination—Survey Practice Advisory Committee—Determination No 5 of 2008, together with statement, dated 26 June 2008.

Financial Management Act—instrument
Paper and statement by minister

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

> Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the ACT Planning and Land Authority, including a statement of reasons, dated 8 July 2008.

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

Leave granted.

MR STANHOPE: Mr Speaker, as required by the Financial Management Act, I table a copy of the authorisation in relation to the Treasurer's advance to the ACT Planning and Land Authority. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that within three sitting days after the day the authorisation is given the Treasurer presents to the Legislative Assembly a copy of the authorisation and the statement of the reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

Under this instrument, $2.426 million is provided to the ACT Planning and Land Authority to make compensation payments to rural leaseholders affected by the residential development in the Molonglo Valley following the successful completion of an arbitration process. I commend these papers to the Assembly.

Public Accounts—Standing Committee
Report 13—government response

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): For the information of members I present the following paper:

> Public Accounts—Standing Committee—Report 13—*Inquiry into Land Valuation in the Australian Capital Territory*—Government response.

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

Leave granted.

MR STANHOPE: I present the government's response to report No 13 of the Standing Committee on Public Accounts. On 7 December 2005, the Standing Committee on Public Accounts resolved on its own motion to conduct an inquiry into the ACT's land valuation system. The committee held public hearings and received submissions. It issued its report on 18 March and tabled it in the Assembly on 8 April. I welcome the committee's report, and I thank the committee and its support staff.

The committee's terms of reference were to inquire into and report on the valuation of land in the ACT to determine the clarity, efficiency, equity, accountability and transparency of the land valuation system. The committee initiated its inquiry as a result of a special report published by the New South Wales Ombudsman, entitled *Improving the quality of land valuations issued by the Valuer-General*. However, it is

pleasing to note that the problems identified in the New South Wales land valuation system were not found by the committee to exist in the ACT.

The committee's report made seven recommendations. Its recommendations were: that the ACT government ensure that any future contracts for determination of land values for rating and land tax purposes be given to a single organisation to ensure consistency of valuations; that the ACT government consider requiring the land valuers practising in the ACT belong to the relevant profession; that the ACT government consider the replacement upgrade of the current computer-assisted valuation system; that the ACT government ensure that relativities between individual blocks in an area are regularly reset by a program of regular manual revaluations of suburbs; that the ACT government reviews the information that it provides to property owners at the time of valuation and via the ACT Revenue Office website; that the ACT government require the Commissioner of Revenue to initiate a review of the valuations of comparable properties when objection uncovers a significant error of valuation; and that the ACT government investigate a range of ways of using land tax as a lever to increase the supply of affordable housing.

The government has disagreed with recommendation 2. It has considered requiring land valuers practising in the ACT to be members of a relevant professional body and concluded that there is no need for the registration of land valuers. It has reached this conclusion because of the stringent requirements of the Australian Property Institute and the absence of a corresponding public benefit from restricting to the market.

The government has noted recommendation 3 because the computer-aided valuation system is owned by the current contractor, the Australian Valuation Office, and, hence, is outside the responsibility of the ACT government. However, under the terms of the contract, the AVO must provide the valuation services in accordance with professional standards, be reasonably accurate and must be of a high standard.

The government has noted recommendation 6 because the government considers that, as the relative administrative provisions already provide the power to the Commissioner for Revenue to initiate a review of the valuations of comparable properties when an objection uncovers a significant error of valuation, no further action is necessary.

The government agreed in principle with recommendation 1 because, although a single service provider currently provides valuation services for the government for rating and taxation purposes, future valuation of contracts will be subject to government procurement processes.

The government has also agreed with recommendation 7. However, it notes that there is little evidence to suggest that land tax has inhibited investment in rental accommodation. Furthermore, Treasury analysis indicates that land tax is unlikely to be an effective tool for increasing the supply of low rent investment properties. The analysis also shows a strong positive correlation between land values and rents. The suggestion that basing land tax on rents would not have a significant impact on investment and low rent properties.

The government has agreed with recommendations 4 and 5. The ACT Revenue Office will liaise with the Australian Valuation Office in future annual revaluation processes to ensure that relativities between individual blocks in an area are regularly reset by a program with regular manual revaluations of suburbs.

Commissioner for Sustainability and the Environment
Paper and statement by minister

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): For the information of members, I present the following paper:

> Commissioner for the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—State of the Environment Report 2007/08.

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

Leave granted.

MR STANHOPE: Mr Speaker, I bring to the Assembly today the 2007-08 state of the environment report for tabling. I am pleased today to formally table the ACT Commissioner for Sustainability and the Environment's *Australian Capital Territory state of the environment report 2007-08*. It is a requirement of the Commissioner for the Environment Act 1993 that the commissioner prepare and present to the government at regular intervals a report on the condition of our environment. It is also a requirement that the government table the report in readiness to formally respond to the commissioner's report.

This is the sixth report and the first produced by Dr Maxine Cooper, the ACT Commissioner for Sustainability and the Environment. The state of the environment report provides an independent and expert assessment of environmental issues and progress towards achieving an environmentally secure community.

As an initiative of the first ACT Labor government, the Commissioner for the Environment Act placed the territory at the forefront of environmental accountability. The production of a state of the environment report is an enormous amount of work. The commissioner and her staff have demonstrated extraordinary commitment to meeting their obligations under the act.

The commissioner, in the 2007-08 report, has made 18 major and 60 minor recommendations on the following issues: air quality, climate change and greenhouse, conserving biodiversity, catchment quality, resource use, and community well-being. The commissioner also included a "progressing sustainability issues paper" and an "ecological footprint report". The commissioner has found that the ACT during the reporting period has been responding to a drought, continuing to recover from the 2003 bushfires, and, along with the rest of the world, confronting the challenges of climate change. Dr Cooper has noted that we are starting to see the consequences of the good life on our environment, health and community.

In the report the commissioner highlights that we are consuming natural resources at an unsustainable rate, and, while efforts are being made to address this, more needs to be done. She says Canberrans must accept responsibility as a community. The government strongly supports this view. Responsible environmental management is a task for the whole ACT community. Environmental goals will only be achieved by working together. There is clear evidence that this can, and does, happen. The community's response to continuing low water storage as a result of the drought and fire demonstrates a capacity and willingness to respond effectively to environmental issues.

In recognition of these qualities, the government maintains a strong community support program through education, awareness raising and incentives. The government has celebrated the one year anniversary of the release of its climate change strategy, *Weathering the Change*. The leadership the government is providing is facilitating a great response from the community. We know that there is still more to be done and that there are things we can all do to make a difference, but we are certainly heading in the right direction. Each of us has a role to play in reducing greenhouse gas emissions in our homes, offices and through our use of cars.

The ACT government is working in partnership with the community to encourage smarter use of resources. We have started with our own operations and are leading by example in the wider community to help people contribute to a more sustainable future.

Over the last two years we have seen a 50 per cent increase in the take-up rate of green power. This figure will grow as the new opt-out green power arrangements take effect from 1 January next year. We have committed that all ACT government agencies including schools, hospitals, shopfronts and other government facilities, will work towards becoming carbon neutral—that is, to generate no net emissions from their activities. A consultant has been employed and is developing guidelines for agencies to put together their own sustainability action plans.

We have established a loan fund for agencies to access to make energy efficiency improvements in their own operations. The fund commenced on 7 November 2007, with the first round of applications closing in February 2008. Applications from CIT and Canberra Stadium have been approved, worth $128,000 for cogeneration, heating, energy audits and implementation and will be rolled out in the coming months.

Earlier today I introduced a bill to amend the Duties Act to allow purchasers of energy-efficient cars to receive stamp duty discounts. This is a strong step in encouraging more sustainable transport. We committed to making public housing properties more energy efficient and, importantly, more affordable for tenants to live in. We are looking at things like better insulation, efficient heating-cooling systems, double glazing of windows, installing solar hot water systems and introducing other renewable technologies.

We have introduced a rebate for solar hot water systems to eligible households participating in the ACT energy wise program audits. We are converting our ACTION fleet to low emission models and providing free bus travel to bike riders who use the on-bus bike racks. We are replacing our street lights with energy efficient versions—

5,600 new lights will be installed this year in addition to the 1,713 replaced in 2007. One of the centrepieces of our efforts has been the creation of a world-leading feed-in tariff.

The commissioner has put forward a range of constructive suggestions about how we may continue to improve our environmental performance. The government will now work with the commissioner and other stakeholders on strategies for their implementation. Part of this response will be the establishment of community conversations about the challenges we face. The government welcomes this approach. It complements our own processes in improving consultation and community engagement, and we know that sustainability is regarded by our citizens as a matter of great importance. We look forward to this process.

I formally table, Mr Speaker, the Commissioner for Sustainability and the Environment's Australian Capital Territory state of the environment report 2007-08. I commend the report to the Assembly.

Independent Competition and Regulatory Commission
Paper and statement by minister

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): For the information of members, I present the following paper:

> Independent Competition and Regulatory Commission—Report 3 of 2008—ACT Greenhouse Gas Abatement Scheme—Compliance and operation of the Scheme for the 2007 compliance year, dated June 2008.

I ask leave to make a statement in relation to the ICRC report.

Leave granted.

MR STANHOPE: Mr Speaker, I table today the third annual report of the operation of the ACT greenhouse gas abatement scheme for the 2007 compliance year. In the recently released Garnaut climate change review draft report, Professor Garnaut said:

> Climate change is a diabolical policy problem. It is uncertain in its form and extent, rather than immediate, in both its impacts and its remedies.

The challenges posed by climate change affect everyone around the world and require concerted action if we are to avoid critical environmental, economic and social consequences. Rising greenhouse emissions pose a significant threat to the social, environmental and economic welfare of ACT citizens, present and future. The ACT is a small contributor to global greenhouse gas emissions—we are responsible for about one per cent of Australia's emissions and Australia contributes about one per cent of global emissions. The ACT may have the smallest emissions as a jurisdiction in Australia, but we must still join with our fellow Australians to address this global problem.

The Garnaut review emphasised the fact that effective international action is necessary if the risks of dangerous climate change are to be held to acceptable levels.

The ACT has already taken action in releasing the ACT climate change strategy, *Weathering the Change*, in July 2007. The strategy sets the approach the government will pursue between now and 2025 to support the broader community response to climate change.

One action that has been included in the first action plan is the continuation of the ACT greenhouse gas abatement scheme. The scheme was established in the ACT under the Electricity Greenhouse Gas Emissions Act 2004 and commenced on 1 January 2005. The ACT scheme mirrors the New South Wales greenhouse gas abatement scheme. The New South Wales and ACT schemes are in many respects operated as a single scheme. Both schemes are designed to reduce or offset greenhouse gas emissions associated with the production of electricity.

Under the act, the Independent Competition and Regulatory Commission is the scheme regulator in the ACT. One of the commission's functions as a regulator is to determine the greenhouse gas reduction target or benchmark for the ACT in any given year. The scheme is designed to reduce or offset greenhouse gas emissions associated with production of electricity. It requires retailers of electricity in the ACT to procure an increasing component of their product from cleaner and greener means, thereby effecting large reductions in associated greenhouse gases.

Tackling our emissions from electricity use is key to reducing the ACT's greenhouse gas emissions. The compliance of ACT retailers in 2005-06 achieved greenhouse gas emissions abatements of 316,000 and 207,000 tonnes respectively. This is the equivalent of the annual emissions produced by around 73,000 and 48,000 cars respectively.

In 2006 the ICRC recalculated the ACT's percentage of the market. The result was a lower percentage than previously calculated, which, in turn, affected the benchmark level. In addition, the population grew by less than expected, which also affected the benchmark level.

In 2007 there were 17 entities licensed to sell electricity in the ACT. This report confirms that all but one retailer met their obligations under the scheme. A total of 403,000 certificates were surrendered under the scheme. This is the equivalent of the annual emissions produced by around 93,700 cars. This has been the most successful year of the scheme to date.

The greenhouse gas abatement scheme remains an effective greenhouse gas abatement measure for the territory. It is supported by the ACT climate change strategy and demonstrates how an interjurisdictional emissions trading scheme can work to reduce emissions.

Papers

Mr Stanhope presented the following papers:

> Cultural Facilities Corporation Act, pursuant to subsection 15 (2)—Quarterly report 2007-2008—Third quarter (1 January to 31 March 2008).
>
> Tabling statement, dated August 2008.

Racism and unfair discrimination
Paper and statement by minister

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

> Facing up to racism—A strategic plan addressing racism and unfair discrimination 2004-2008—Report card 2008.

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

Leave granted.

MR HARGREAVES: I am privileged to table the second report on "Facing up to racism: a strategic plan addressing racism and unfair discrimination 2004-2008", the document entitled "Report card 2008". This document highlights the significant achievements of the ACT government in addressing racism and unfair discrimination in our community.

I had the privilege of tabling the first report card in June 2006. In tabling that document, I highlighted the importance of remaining vigilant in upholding basic human rights and in eliminating racism and discrimination. I assert that we have done that.

Since June 2006 significant policy implementation has been undertaken by all ACT government agencies. The ACT government has worked hard to remain aware of issues and concerns and to keep in touch with its community members in readiness to address any issues quickly—and to be in a position to be responsive to negative matters as they arise in the community.

The ACT government has worked hard to encourage, promote, support and celebrate positive behaviours and events. This is the foundation of harmony and unity in our community. Our approach is to be proactive—to work closely with communities, encouraging them to celebrate their culture and heritage and to share it with the broader community. In reality this is an educative process. This approach sets out to minimise feelings and behaviours which may lead to racism and discrimination.

The ACT government continues to put in place structures and mechanisms which allow us to be responsive and proactive. The outcomes are recorded in the report card 2008 I am putting before you today. It is evidence of a continued commitment to address racism and discrimination.

The elements of report card 2008 have had a direct impact and meet the aims of the strategic plan, which are to build a safer, more supportive community for all people in the ACT, particularly those vulnerable to discrimination and prejudice; support reconciliation between Aboriginal and Torres Strait Islander people and non-Indigenous Australians; foster an environment which enables the ACT to gain maximum advantage from its diversity, to create more jobs and to compete more

effectively in the global market; protect, promote and enhance the rights of Canberrans; and build stronger relations between the ACT government and Aboriginal and Torres Strait Islander people and multicultural community groups.

This report card has been developed in collaboration with ACT government agencies, particularly the ACT Human Rights Commission. This second report card in the fourth year of the implementation of the strategic plan meets the commitment to report on the implementation of the actions and the strategy. I would like to highlight some of the strategies undertaken by ACT government departments.

The Department of Disability, Housing and Community Services is the first department to develop a reconciliation statement of commitment and will develop a reconciliation action plan by May 2009. This commits staff of DHCS to deliver services and programs in a culturally sensitive way, assisting Aboriginal and Torres Strait Islander clients to overcome the legacy of past injustices faced by ATSI people and the continued disadvantaged circumstances of ATSI people.

The policy "countering racism in ACT public schools" is designed to minimise the effects of racism and at the same time provide the parameters to directly deal with any issues of racism that may arise. Schools have in place policies and programs to protect their students, including reporting structures and identified staff to address issues. Schools also pay particular attention to providing culturally sensitive environments—which includes the food provided for sale in the canteens and that the cultural and religious needs of all students are considered and met whilst on excursions. Staff are offered ongoing targeted professional development and there is ongoing appropriate consultative support for any curriculum renewal process.

The report card also highlights the breadth of assistance for refugees. The ACT government is committed to policies and programs that assist with the settlement of refugees. These are aimed at promoting unity, respect and inclusiveness between the Canberra community and refugees who have come here seeking sanctuary from war-torn and impoverished countries. These programs provide meaningful and practical measures of settling.

The ACT government is acutely aware of and recognises that suitable housing is essential for people's sustainable wellbeing and for successful settlement. I recently launched the refugee transitional housing program, which was developed by the ACT government and is administered by housing and community services in conjunction with Companion House and Centacare.

This program was designed to provide short-term on-arrival accommodation for refugees with a view to eventual independent living. Housing ACT has committed a pool of six to eight properties that are available short-term to Centacare on a rotational basis for the program. This program will provide much-needed support for refugees in housing in the ACT. Centacare provides tenancy management and ensures that exit plans are in place for the refugees to enter public and private accommodation. Companion House provides counselling and health care services to the refugees. Having a roof over your head is a fundamental need that must be met if people are to have any chance of participating comfortably in our community, including being free of racist or discriminatory behaviours.

While all ACT government departments have reported favourably on providing opportunities for staff to undertake cross-cultural awareness training, I would like to take this opportunity to highlight a recent development which signals the importance we place on this training to assist in combating undesirable and negative behaviours which can be racist or discriminatory.

All ACT Corrective Services staff are required to undertake Indigenous and other cultural awareness training. A training regime has commenced to ensure that all custodial officers who have not received this training in the last six months attend a cultural awareness course prior to the commissioning of ACT's first prison, the Alexander Maconochie Centre, the ANC, in August 2008. Additionally, an interpreter and translator for commonly used languages will be employed to interpret and translate relevant information when required in the ANC. These initiatives will help to prevent additional barriers to the successful rehabilitation of culturally and linguistically diverse prisoners into the community.

In August 2007, I hosted, facilitated and spoke at the multicultural youth forum entitled "Youth together—talking together". And they did. The youth took the opportunity to express their views and discuss ideas that would benefit Canberra's wider and culturally linguistically diverse youth. In addition, the forum provided an opportunity for the youth to discuss particular challenges that they face. The themes that were discussed included community attitudes to multicultural people; cultural education; making culture cool; and sport, recreation and health. The forum resulted in a number of suggested actions aimed at addressing issues related to these themes. One key strategy has been taken up by ACT Policing—to include guest speakers from the multicultural or refugee community in its induction program for new police recruits.

The report card demonstrates that the ACT government addresses issues of concern in relation to racism and unfair discrimination. If you draw together all the specific activities that provide opportunities for members of the Muslim community and members of the broader community to come together, you will see harmonious and open interactions. I am speaking of the members of the ACT Muslim Advisory Council, who have facilitated events such as a two-way media training program. This arose in response to the need to improve understanding from both points of view in relation to the influence of media across the country and how issues are reported, particularly in the current context of terrorism and issuer relating to the Muslim community. Media personnel are encouraged to consider how best to interview and report within a culturally appropriate context.

Further, the mosque opens its doors to the community and invites people in to tour the premises and mingle with the Muslim community, and vice versa. In 2008, thousands responded to the invite. There was an air of openness and mateship and, once again, a sharing of cultures, leading to further understanding between peoples.

In another sphere, the Muslim aquatic recreation program at the Kaleen Swim Centre, which began in 2007, has increased the opportunity for members of the Muslim community, particularly women, to swim in a culturally sensitive environment and experience a source of exercise and fun.

The ACT government made history with the introduction of the Aboriginal and Torres Strait Islander Elected Body Bill in the Legislative Assembly on 10 April 2008. This elected body initiative provides a voice for the local Aboriginal and Torres Strait Islander community. The main goal is to ensure maximum participation by ATSI people in the ACT in the formulation, coordination and implementation of government policies that affect them. It provides a significant avenue for local people to have their say and to make a difference. The elected body will have seven members elected every three years and there will be a requirement in the act for the elected body to consider the views of the United Ngunnawal Elders Council. The first meeting of the new Indigenous body, which is scheduled for the beginning of July 2008, will be a landmark occasion in addressing unwanted issues and concerns.

The way that we acknowledge and celebrate multiculturalism in the ACT provides a platform for building interactions and communication between peoples. This is the glue that promotes respect and inclusiveness between people from different cultures. The elements I am particularly referring to are the very successful National Multicultural Festival and the development of the Theo Notaras Multicultural Centre. Both of these bring together many groups to share and acknowledge each other's heritage and both of these provide opportunities for multicultural groups to express and celebrate their achievements.

Report card 2008 highlights a vast number of opportunities for people of all backgrounds, levels of experience and qualifications to gain further opportunities for a pathway to employment. The work experience and support program, which is supported strongly by ACT government departments, provides the opportunity for people from culturally and linguistically diverse backgrounds to gain employment in the ACT public service. The benefit definitely goes two ways.

There are many other examples of employment strategies which show the ACT government being particularly proactive in providing benefits for ACT residents. For example, there is the indigenous employment strategy for Territory and Municipal Services; ACTION's Indigenous recruitment program; the Parks, Conservation and Lands Indigenous traineeship; the Department of Disability, Housing and Community Services Indigenous traineeship program; and ACT Health's Aboriginal health workforce implementation plan. Many other examples that are highlighted in report card 2008 contribute to people from all cultural backgrounds being able to live safely and harmoniously, have fun and enjoy their lives in a meaningful way.

I commend report card 2008 and "Facing up to racism: a strategic plan addressing racism and unfair discrimination 2004-2008" to the ACT Legislative Assembly.

Planning and Development Amendment Regulation 2008 (No 3)—Subordinate law SL2008-33

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): Pursuant to the Legislation Act 2001, I present the following paper:

> Planning and Development Act—Planning and Development Amendment Regulation 2008 (No 3)—Subordinate Law SL2008-33, together with its explanatory statement.

I seek leave to make a brief statement.

Leave granted.

MR BARR: In summary, this regulation ensures that reasonable building tolerances are introduced to regularise existing practices and streamline approval processes; that window alterations and additions that are currently available without DA approval are also available during the construction phase of building, saving costs and time; the removal of the requirement to notify minor DA amendments that do not adversely impact on third parties, or do not result in significant environmental harm, speeding up the approval process and reducing costs; that contracts for sale entered into before 31 March 2008, but where the lease is not granted until after 31 March 2008, remain effective; and, finally, that the transition of national land to territory land where its national land status has been revoked by the commonwealth happens seamlessly.

Gungahlin Drive extension
Discussion of matter of public importance

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

> The Gungahlin Drive extension.

MR SMYTH (Brindabella) (3.51): It is a very important issue, as are so many of the current issues that face the community because of the ineptitude of this government. Apart from their handling of the data centre project at Tuggeranong, I suspect the Gungahlin Drive extension looms large in the mind of all people, not just in Gungahlin but in my electorate of Brindabella as well because people there are affected.

As I mentioned in this place yesterday, they are already telling jokes in Gungahlin about how many pool lanes will be delivered in Jon Stanhope's promise for an Olympic-sized pool. Will it be one lane there and one lane back, or two lanes there and two lanes back? They cannot even trust him to deliver eight lanes. I note, oddly enough, that it was picked up in the *Canberra Times* in a letter to the editor this morning.

The evidence is there. This community does not trust Jon Stanhope to deliver any capital work project on time, on budget, at all. There is the degree of desperation that we see creeping into the actions of this arrogant government in the way that they sought to gazump the opposition when they heard we were going to announce what should have been done in the first place.

Remember, Madam Assistant Speaker, that, in the lead-up to the 2001 election, the Labor Party promise was "on time and on budget, in accordance with the capital works program". I am sure you will remember that promise because of the way you look after the people of Ginninderra. But "on time, on budget" meant $53 million to open in July 2005, not $120 million or more to open half a road in 2008. Double the budget, three years late, is not "on time, on budget".

In question time on Tuesday, the Chief Minister tried to say, "We had always planned to do this. We were not gazumped by the opposition. We were not trying to get in first. Here is a briefing. I will table a brief that shows that the Minister for Territory and Municipal Services had planned to do that." The brief is wonderfully educational. The brief is from the head of Roads ACT, the Director of Roads ACT.

What is the purpose of the brief? I would have thought, if you were going to spend $83 million to duplicate Gungahlin Drive and turn it from a two-lane road into a four-lane road, that might have been the purpose that was stated. But what was the purpose of the brief tabled by the Chief Minister? Remember it is to the Minister for Territory and Municipal Services. It states:

> Purpose
>
> To advise you of some additional works being implemented as part of the Gungahlin Drive Extension (GDE) project.

Not duplication, just "some additional works". At the end, it does not say, "Minister, would you announce the duplication?" The recommendation is:

> It is recommended that you note the background and issues in this brief.

"We are not even asking for your permission". The public servants have taken the responsible action to ameliorate the impact of the shoddy delivery by this government through underfunding the road in the first place. So what we have got is public servants, yet again, cleaning up another "fine mess that you have got us into, Ollie".

The Chief Minister made great mention of the fact that there was money to spend, money left over. And that is it exactly. This is not money that was appropriated for the duplication of the extension; this is money that was left over. And it is a big tick to the building industry of this city that they can still bring in projects in that way. It goes on:

> Issues
>
> Roads ACT have been advised by Procurement Solutions that with the completion of all current variation negotiations with the contractor, that a balance of some $4.5M is available for the GDE project which can be used to complete some outstanding works.

Just "outstanding works"; it is not a duplication at all. The background says:

> The GDE project is coming to a close—

the public servants thought the project was over; the project was coming to a close—

> and various negotiations with the contractors are being finalised. A small balance of funds has been identified and these funds have been directed towards some works which will improve the operation and performance of the road.

Not "duplicate". You can read this document, Madam Assistant Speaker. It does not mention duplicate; it does not mention two lanes into four; it does not mention four years; it does not mention $83 million; it does not mention building a road from one town centre to the centre of town for four lanes to fix the traffic problems that the people of Gungahlin suffer.

This is confirmation that the Chief Minister panicked. The Chief Minister was caught out by Mr Seselja who had the foresight to realise that the road had to be duplicated immediately because the traffic numbers that would trigger the duplication, according to Minister Hargreaves, had been reached two years ago. And what we have is the incompetence of the Chief Minister who panicked in question time—absolutely panicked in question time—and tabled a brief he probably should have read before he did. Either that or Mr Hargreaves, as he so often does, has sold him a pup.

What have we got? We have got some additional works. What we have got is leftover money that will simply improve the operation and performance of the road. Why is it there? It is there because the building industry did a good job. And why is it happening? It is happening because public servants took the initiative. They did not trust Mr Hargreaves. They did not ask him could they do it; they told him. And there we have it over the signature of the Director of Roads ACT:

> It is recommended that you note the background and issues outlined in this brief.

"We do not trust you to make a decision; just note it and let us get on with our job because we are so much better when you do not interfere."

It is interesting, Madam Assistant Speaker, how badly they were caught out. We have been waiting for answers from the Minister for Territory and Municipal Services, since you and I sat on that estimates committee, to questions that Mr Pratt, I, Mr Seselja, you and all members of the opposition put on notice to Minister Hargreaves for the detail. Indeed, Mr Pratt asked a fine question: "Minister, could you please detail and give us your major roads projects over the next five and 10 years?"

Mr Hargreaves coughed up—he did not actually cough up; he had to be burped like a small child to relieve the pressure that must have been sitting in his gullet, as he knew that sitting in those answers was the truth about the government's commitment to duplicate the Gungahlin Drive extension. It will be the DGDE project now. What does it show? Let us read Minister Hargreaves's press release:

> We want to do this with a view to completion within four years.

We are going to duplicate Gungahlin Drive in four years. But what does the report say? What is the major road project that I assume informed the budget process? One

can only assume it did. It is what he coughed up out of the estimates process. Here it says, in March 2008, there was absolutely no intention of doing it in under 10 years. This is Hargreaves/Stanhope maths, where four equals 10—it is really good—$83 million will build three roads for you, and four equals 10. It is quite instructive. There we are, project No 2:

> GDE Stage 2 (South)
> Belconnen Way-Glenloch Interchange
>
> Time Frame: 0-5 years

The first third of the road was not going to be done in four years. All of the road was not going to be done in four years. The first third of the road was going to take somewhere between zero and five years. Cost, $30 million. It goes on:

> GDE Stage 2 (North)
> Belconnen Way-Barton Highway
>
> Time Frame: 5-10 years—

that is, 2013 to 2018—

> Indicative Project Cost: $60.0 Million

So we have got $90 million, we have got $84 million, we have got $83 million, we have got $4 million. We have got all these numbers, none of which add up. We have got a 10-year time frame. We have got a government who think that they can gazump the opposition and fool people. The embarrassment levels last week in this city over a Chief Minister who would not answer the question "did you know that the opposition were about to announce this?" were just hilarious.

I think even more hilarious is that, at the bottom of Mr Hargreaves's letter to the Speaker—in which he says, "Here are your answers"—he says, "I apologise for the delay in responding." The apology was, I do not think, given heartily because the questions were sitting on his desk for days; they just did not want to give the answers. And that is the problem with this government.

So what we have got is Labor's promise "on time, on budget"; that is, July 2005, $53 million. We are now talking 2012, 12 years after I first announced the project, and somewhere between—who knows what it will be—$230 million and $250 million by the time it is finished, because this government simply cannot deliver. And that is the problem. We have had the high farce that the money is in the budget. It makes interesting reading when you go to page vii of budget paper 5. It says:

> The Program also makes provision for future projects …

So it is not funded in this year's budget, 2008-09; it is not appropriated. If you do not understand that, Mr Hargreaves, I will get you an economic dictionary. It is not appropriated so that it can begin. It continues:

> The Program also makes provision for future projects required to meet the transport demand as the result of urban growth. These include Parkes Way, Majura Parkway and the duplication of Gungahlin Drive Extension ($84 million).

So we were going to get three roads for $84 million; or maybe we were going to get one road for $84 million, and the other two, Parkes Way and Majura Parkway, were just put in there to fool people. We think they will read this and say, "Wow, they are going to build three roads." But then when you turn to page 34, the figure of $84 million drops to $83 million. You can either read that as meaning that there is absolutely no money for Majura Parkway and Parkes Way upgrades or there is $1million to build those other two roads—a measly $1 million.

Mr Hargreaves: What is it about feasibility studies that you do not understand?

MR SMYTH: "A feasibility study," the minister interjects. I thought you were going to build it. Now it is a feasibility study. That is why we were fooled. There it is; there is the exposure. The minister has exposed himself in this place by saying, "That $1 million is in a feasibility study." So there is no commitment to build it; we are going to see whether they are feasible now. I think that is version 17 of the story.

It is interesting that the minister's press release says "completion within four years". That is 2008-09, 2009-10, 2010-11 or 2011-12. There is not a single cent in provision for major roads in those four years. They should read their budget papers. There is not a single cent. In table 5.1.3, when you look at the major roads that are listed, there is not even a feasibility study for Parkes Way or Majura Parkway and there is certainly no money. Not a single cent, not one red cent, has been put aside by this government to start the construction. The supposed $83 million or $84 million, depending on which page you are reading and which press release you are reading and which day it is, is the provision that this government has put aside for Gungahlin Drive. I think that is a shame. It is a great shame because the road should have been built.

We heard the question from Mr Pratt today. In it he quotes from the head of the NRMA. Everybody knows that it is cheaper if you do it all in one hit, and you get a better outcome and you get less disruption. But no, they could not do that. They were caught out in their planning. They knew that their planning was bad from the start and they so mismanaged the project—dirt in, dirt out; foundation fill for up on the hill for the arboretum; extra sand purchased from other places because they had cut too much out. It is a shame that it was managed in such a way.

But the great plus of this is that, to cover up for the government, Roads ACT, the public servants, who understood, who found the $4.5 million to ameliorate the impact, who did not trust their minister to make a decision, just told him, "We are going to do it because we do not trust you because you have made such a mess of it so far," and that we have got a construction industry that can deliver.

It just goes on and on. I think what you would call this is a joke. Somebody said it was a Shakespearean tragedy. I think it is probably more in the class of Shakespearean farce because all they have delivered are delays, extraordinary cost escalation,

changing project specifications—notably, reducing this road from four lanes to two lanes—and legal challenges because of the obstinacy of the former planning minister who wanted to put this road through the middle of the AIS. Let us remember that.

This road was to go through the middle of the AIS. Perhaps having a road running through the middle of the AIS was to help the athletes at the AIS with acclimatising for Beijing or something—who knows. But the stupidity of the position that it was initially going to go through the middle of the AIS, I think, right from the start, is that this road, handled by a Labor government—

Mrs Dunne: It was going in a trench, though.

MR SMYTH: That is right; it was going to go in a trench. Then to ameliorate the impact, we are going to put it maybe half underground and it was going to go in a trench. Dig a trench. That is right; I had forgotten the trench. There were all these options. In time to come, management classes at universities will study Jon Stanhope's handling of the Gungahlin Drive fiasco as a case study in what not to do to deliver a major capital works project. They will study this in years to come.

I think the pathetic attempts by the Chief Minister to justify his announcement to duplicate Gungahlin Drive late on 23 July further compound the embarrassment of the government. I have never heard of an $83 million announcement dropped by a territory government at about 5.40 on a Wednesday afternoon. And the sight of the Chief Minister scurrying around to the TV stations to try to get his scone on the TV and on the phone late into the night talking it up on the radio so that he can claim that he got there first was absolutely embarrassing for the prestige of any government.

But the problem now is that we are stuck with it. The problem is that the taxpayer will have to pay for it and the problem for the Labor Party is that the constituents of the ACT will remember it come 18 October this year.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (4.06): In terms of the announcement, I would just like to quote Mr Gentleman who has observed that there are no prizes for second. There is absolutely no prize for second. In fact, coming second just means that you blokes are the first of a lot of losers.

We have just heard a fairly significant 15 minutes of drivel. Let us put the record straight a little. I am really pleased to be able to speak about the Gungahlin Drive extension and not the Gungahlin Drive expressway. I was not really aware from the title of the MPI what tack Mr Smyth would take. I have to tell you, Mr Speaker, that I am none the wiser now. I regard it as a motherhood statement that the GDE is a matter of importance, because it has been a matter of importance to the Stanhope Labor government since at least 2001.

I was not sure what the Liberal Party thought of it. They were very obstructionist to the Stanhope Labor government's plans. They and their federal colleagues managed to delay the start of this road for two or three years. But, of course, that does not matter to Mr Smyth because he is good at two things: talking and sounding sincere about what he is saying and rewriting history. He is an expert in both fields.

Let us get real about this. Let us put the debate into some context. In 2000 and 2001 when the Liberal Party talked about an extension of Gungahlin Drive, they meant the bit between the Barton Highway and Belconnen Way. That is right, Mr Speaker. They were only going to build a bit of the road. Their budget for 2001-2002 set aside $32 million to build a four-lane extension plus tunnels in that section. An amount of $32 million would provide four lanes and tunnels—

Mr Smyth: And then Glenloch and Caswell Drive; don't be misleading, Mr Hargreaves.

MR HARGREAVES: Hold onto your braces, Mr Smyth. It cometh out. You are about to be exposed. I suggest you get a loincloth because you are about to get exposed. $32 million would provide four lanes and tunnels—yes, tunnels—through the Bruce and O'Connor ridges! There was no provision and no plan for how traffic crossed either the Barton Highway or Belconnen Way, despite an entirely separate project to duplicate Caswell Drive. How did they expect a Gungahlin resident to get from Gungahlin, across the Barton Highway, go through the tunnels of Belconnen Way and then get to Caswell Drive?

Ms Porter: Possibly fly?

MR HARGREAVES: Well, maybe another tunnel. Fortunately for them, they did not have to answer this question because they were booted out of office and did not do any of it. But they did get to obstruct the Stanhope Labor government's efforts to introduce a coherent, strategic approach to the whole road. Despite that obstruction, despite the intervention of the federal Liberals, despite the NCA, despite court cases, stage 1 of the GDE was opened to the public in April this year.

This fulfilled the commitment of this government to construct the road for the people of Gungahlin, and we built it in a short time frame. I remember as minister conducting the D9 symphony to signal the start of the actual construction. It is clear that this road is very popular and is heavily used by the public. These people opposite would have everybody believe that nobody likes it.

Some 29,000 vehicles a day travel on the section south of Belconnen Way; 29,000 people love it. It is also clear that there would be a great benefit to the community now if a duplication of the road were progressed. In anticipation of this and the need to invest in transport infrastructure to support the ongoing development in the ACT economy, the government had included the building the future program in the recent budget.

We had selective passage picking from Mr Smyth yet again. The building the future program enables early provision for projects required to meet transport demand as a result of urban growth. Projects such as Parkes Way, Majura Parkway and the Gungahlin Drive extension duplication fall into this category. On 23 July 2008 the ACT government announced that we would progress the duplication of the GDE over the next four years.

This simply confirmed in more detail what was already included in the budget papers. The duplication of the GDE is expected to cost $83 million in 2007 dollar terms and

will be funded over the next four years. The rabble opposite often go on about the final cost compared with their budgeted $32 million for a short section.

I do not know how much it would cost to build a tunnel, but they were going to include two major tunnels in that $32 million. How? Again, let us get real for a moment. The bridge construction at Belconnen Way will be a major project in itself and will cost in the order of $7 million. I think it was $7.1 million or $7.3 million—I have forgotten which of the two—for the one across Belconnen Way at the moment.

There are nine major bridges to be built and I do not think tunnels are cheaper; so how far would their $32 million go? In fact, I remember sitting on a committee asking them whether their $32 million was enough. However that may be, the initial work will take place this year and will provide a second southbound lane at Caswell Drive from Aranda to the Glenloch interchange. And you can now get from Gungahlin to Caswell Drive, which you could not under their particular proposals. This work will commence in the next two weeks and will provide some benefits to the public in time for Christmas. The balance of the GDE duplication will take place over the next three years.

The duplication of the GDE from the Barton Highway to the Glenloch interchange includes the construction of nine major bridges and a number of underpasses. The preliminary design is available for the GDE duplication and this has now been progressed to final design prior to tenders being called for the construction works by June 2009.

The duplication of the GDE will be completed and open to the public by June 2001—not 2014; 2011. And do you know what else? People will be driving on Gungahlin Drive and on Caswell Drive while the duplication is going on. How about that? Where are the congratulations for that? I do not know. All in all, the GDE will have cost more than $200 million. This is a major investment by a small jurisdiction such as the ACT. But the government considered that it is essential to support and build the economy into the future.

To understand why it has been duplicated now rather than at the start, it is important to roll the clock back a few years. I have already explained how the Liberal Party regarded the GDE as being between the Barton Highway and Belconnen Way, which is where it should stop. In October 2001, the ACT community elected a Labor government and we sought to progress the preferred community route for the project to the west of the Australian Institute of Sport. The Liberal opposition and the federal Liberal government at the time throttled our every effort to progress this route. Through the guise of the National Capital Authority, the ACT government were reluctantly forced to accept the route to the east of the AIS in 2002.

This decision of the Liberal opposition and the federal Liberal government cost the ACT community over $20 million in terms of legal challenges and two years in lost time while people who were rightly concerned about the impact of the road in Bruce and O'Connor Ridge expressed their democratic rights through the court system. This $20 million is a cost that persons of Liberal persuasion should never forget.

This government has had to deal with the real costs of the project and available cash at the time. We progressed the road in stages and invested $120 million to construct the first stage opened to the public earlier this year. This was the largest investment in a road project in the history of the ACT since self-government. The ACT government have now decided to invest even more in building the future economy of the ACT and we now have the funds to do this.

Finally, I would like to say that the GDE and other major projects such as the Majura Parkway and Parkes Way will provide the necessary transport infrastructure to support the ACT economy into the future. The ACT government have announced these projects as part of a recent budget process and now we are getting on with it and delivering the GDE duplication in terms of the next electoral cycle.

As I indicated earlier on, there are two facts: fact No 1 is that they did not deliver the road. Fact No 2 is that we did deliver the road. These people across here budgeted for half a road with tunnels and we had to come along and say, "No, there is a bit of a problem here. You have somehow to get from Gungahlin Drive to Caswell Drive. How are people going to do that?" Under the Liberal's proposals they would have to come screaming down the hill to a set of traffic lights where they turned left or right. Then they would have to go down the road and turn left and back up to Caswell Drive. That was an appalling state of affairs. We also have to look at their record. The Chief Minister was talking about their record of providing moneys for infrastructure for capital works.

This particular capital works was the equivalent of two years worth of their capital works projects; two years. We have answered questions ad nauseam about this GDE, but the fact is that the road is functional now. People can get from Tuggeranong to Gungahlin or Gungahlin to Tuggeranong. They can go to the city.

The road has been completed. It has also been completed and built by local firms—Canberra Contractors, Woden Contractors and Guideline. All the money is in here. If we had had the money and the extra two years that those opposite have cost us—two years and $20 million—we may have had a substantial part of the remaining duplication already done. But no, all those people opposite had to do, that bunch of obstructionists over there, was keep their gobs shut and then it would have been built. No, they would walk around the place and stoke everybody up and continue the delay. It was them and their mates—their Liberal mates on the hill and the NCA. And what do we get? Delay after delay after delay.

The reality is that we provided the money, we have provided the road and we will provide the duplication. These guys opposite know that this is a significant piece of engineering work to be done. Nine bridges and underpasses have got to go across this particular duplication. These guys would just roll a bit of bitumen across the top of it and call it a road. No, that is not the way to proceed. That is why it will take between now and 2011 to complete the road. It is a reasonable period of time.

But what will happen along the way? People will be driving next to it while it is happening. They are actually using the road. They would not have been able to use the road if those opposite had had their way. What did Mr Smyth provide? Mr Smyth is

so proud of providing $32 million. What do you get for $32 million? You do not get a lot. I do not reckon they had enough money provided to build it, let alone the capacity to actually deliver it on time.

The only thing I agree with Mr Smyth about is the professionalism and the capacity of Roads ACT in delivering. They have delivered this project under budget and well before time. Why do you think that was? It was because we provided the money to do it, and we had faith in them. I would love to see what would have happened when they got halfway through the project, because these guys opposite did not allow enough money to complete the job. They did not allow the money. When they had to be told, "We have got to get across Belconnen Way," they would have asked, "How are we going to do that?" I know what they would have done. They would have put a flying fox across it. They would have stuck a flying fox or a ferry across it. That would be the go. They could have taken five cars at a time across it. Yes, that would have been good.

That makes about as much sense as burrowing tunnels through nature parks. I do not think they had the capacity to deliver on time. I do not believe they had the capacity to deliver on budget and I do not think they had the capacity to do anything else. What are they doing? They are really whingeing because this government re-announced something. It is already in the budget papers. We re-announced something and these guys got all upset because they were going to announce something. The whole reason we are here debating this MPI is that somebody's pride has been injured. But at the end of the day there is one reality. That is that if this government is returned the road will be built. The road will be duplicated.

I said when I conducted the D9 symphony for the people of Gungahlin, "I will deliver you the road. I will build this road and the time for talking and mucking around is over. I will deliver the road." And I did deliver the road while those people sat there and gnashed their teeth and wondered about it. They wondered about it, Mr Speaker. This MPI is an absolute joke.

MR MULCAHY (Molonglo) (4.21): The Gungahlin Drive extension and the processes surrounding its planning and completion are clearly important issues to the Canberra community, and particularly to the people of Gungahlin, in the northern part of my electorate. The nature of this debate has changed now that both major parties have committed to duplicating the road in the next term of government.

Let me say at the outset that I am not particularly concerned with who got in and promised this first. I think it was inevitable, because of the stage we are up to in the electoral cycle, that both major parties would eventually commit to duplicating the GDE. Who got there first is not really much of a concern for the residents of Gungahlin. I honestly do not think that they care two hoots as to who builds the road, as long it will be built. All the high school debating that we have heard this afternoon, and the shrill performance that we heard a little earlier, do nothing to impress the people of Gungahlin, who simply want the road situation rectified with the minimum possible delay.

It is impossible to have this discussion without highlighting that the road that opened this year was poorly planned. For a major infrastructure project to be outdated even by

its completion date is unacceptable. Gungahlin is the fastest growing area of the ACT and, indeed, one of the fastest growing areas in Australia. It is impossible to argue that it was unforeseeable that a very large volume of traffic would need to use that road each day. The government was profiting from the large amounts of land that were sold, and concerns were being raised regularly by constituents. I attended a meeting at Hackett where an official of Roads ACT was in attendance, and who is here today, and it was even causing distress to people in suburbs such as Watson and Hackett, as people ended up finding other ways to get into town because of the problems on this road in peak time.

After the road had opened, I was still receiving a large number of representations from my constituents. I remember one person—I think it was a federal Treasury official—describing a 40-plus-minute journey from her home in Gungahlin to work in Barton. Whilst this was anecdotal evidence that the road as it was constructed was not adequate to cater to the needs of the community, there was clear, immediate and widespread dissatisfaction with the state of play once the road opened. The people of Gungahlin do deserve better than a single-lane road in and out of their region.

Although it was poorly planned, I am not quite as convinced as the Liberal Party that the construction process itself was poorly managed. I do take the points made by the minister during question time about the delays that occurred in the initial construction of the road. It is almost inevitable with any major projects that there will be unexpected issues or problems that crop up. These are not necessarily the fault of the government of the day. However, in relation to the GDE specifically, I have no doubt that the ACT government erred in not planning a two-lane road in each direction from the outset, especially given that the anticipated population figures in that area were well known to the government as the principal vendor of land in this territory. It was, in fact, a poorly considered decision.

I have argued all year, both publicly and in the estimates process, that the most important thing for the people of Canberra was not to dwell on this mistake, although it is worth noting, but to ensure that it is not repeated. The most important thing for the people of the ACT was for the government to commit to duplicating the road without delay. When you talk about not repeating mistakes, when I lived in Wanniassa back in the late seventies—

Mr Hargreaves: A great suburb.

MR MULCAHY: It is a great suburb but it was right on the fringe of Canberra when I moved there. One of the striking things was exactly what happened in Gungahlin, where we created a dormitory environment. Down there, I remember there used to be telephone exchanges and playgrounds, and vast tracts of empty land. We build these areas and we do not think through all the needs of the community. I know that you cannot create a metropolis overnight, but certainly the people of Gungahlin are rightly concerned that many of the things that they might reasonably expect, given the fact that there are in the order of 50,000 people in that area, simply have not been provided. A 24-hour police station has been announced this week. That is massively overdue. Given the level of crime and robbery on building sites, with workmen's equipment being stolen, that should have happened much earlier.

As we all know, if someone in politics says it will take a year or two, it has the potential to turn into two or three in the blink of an eye. That is why I was disturbed when I was told in estimates that the government would not consider beginning the work needed to duplicate the road for at least 12 months while detailed, but probably unnecessary, studies were undertaken. This delay would have meant that the Gungahlin community would have waited far too long for the initial error of a single-lane GDE to be rectified.

I wrote to every household in Gungahlin. Even though my letters were pre-empted by the government's announcement, the response that I received from residents has been quite strong. The fact that I am still getting letters from residents each and every day, even after the announcement, is testament to the strength of feeling in the Gungahlin community about this issue.

The community in Gungahlin are right to feel a little bit aggrieved by the standard of service they have been offered over the last few years. Although the area is rapidly expanding, I do not believe that the standard of infrastructure or services is developing at an appropriate rate. Even with the flood of recent election announcements for the area, I believe that residents still feel a bit like second-class citizens. That is certainly the view that I receive from them when I talk to members of the community. For the area to mature, I believe—and have called publicly for this in the past—we do need the ACT government to do all in its power to attract a major employer to move in to Gungahlin, which, in this town, almost exclusively means a federal government department.

This issue is relevant to the GDE because much of the road's traffic consists of Gungahlin residents who commute each day to other parts of Canberra for work, whether it be down to Tuggeranong, into Civic or to areas that are more towards the centre of Canberra. I recognise that this will not happen overnight and that there is a limited amount of control for the ACT government to exercise. But it is something that I would like to see happen for the Gungahlin community, and it is an issue that is regularly raised by people in the area.

We have heard about the ACTTAB employment there. I think the news must have been released at least 15 times since I have been in this place. That is good; it has created employment, particularly for a number of women who were looking for part-time work. But we need to go further in that community and try and create more employment there. It is probably the commonwealth that is in the strongest position to do something. The people of Gungahlin do not deserve to be treated as second-class citizens between elections by their government, whether it be territory or commonwealth.

I have been pleased to talk about the GDE today. It is a very important issue for the Canberra community as a whole and for the people of Gungahlin in particular. As I said at the start of my remarks, I do not particularly care who promised to build the road first—and, frankly, I do not think the people of Gungahlin care two hoots. I am pleased that both major parties are now committed to duplicating the road, as a priority, and I think this is a positive move for the people of Gungahlin. This has been a major issue for my constituents. A mistake was made and I am pleased that action is

in train to rectify that mistake sooner than was initially flagged. I know that the people of Gungahlin share my sentiments and look forward to completion of the final version of the GDE.

I know there has been a view expressed by some, and I have had emails and so forth asking how we can guarantee that this will happen. That is always a fear when election announcements are made. Our friend from the dragway group keeps sending us emails, saying, "We were promised a dragway too." I sincerely hope that the people of Gungahlin will see this capital works project implemented without delay and that the election promise will be honoured. I have not heard what the Greens have to say about this, but certainly the other three political parties now represented in the chamber seem to be committed to it. We can only hope that that will be honoured and that the people of Gungahlin will receive the same standard of access to their suburb that other people in Canberra have become accustomed to. Not unreasonably, I think they are impatient for this to happen. I certainly endorse the decision to proceed to create this duplication of the highway.

MR PRATT (Brindabella) (4.30): This MPI is terribly important. The Gungahlin Drive extension project has been a debacle from front to end. It is a very important discussion to be having. I must say I was somewhat amused by Mr Mulcahy's comments today, when he said he does not really care too much about who is responsible. He certainly did care six months ago, perhaps in those better days when he understood clearly where the blame lay for this particular debacle. I hope he might remind his constituents of those views that he had then.

I wish to refer to the minister's attack on the Humphries government's intentions regarding the GDE. We heard him today trying to flail Mr Smyth with a wet lettuce on the position taken by the previous government. Let me point out a couple of things. He talked about Mr Smyth needing to perhaps get ready to wear a loincloth as he was going to be exposed. In fact, the loincloth is now firmly wrapped around the minister's face and halfway down his throat.

Let me remind you, Mr Speaker, that the budget papers for 2000-01, at page 126, very clearly indicate a $53 million project, which included, for the Gungahlin Drive extension, four lanes plus tunnels, at $32 million, the Caswell Drive duplication at $6 million, the Glenloch interchange at $15 million, with the Glenloch interchange, of course, taking it out to about 2004-05. That adds up to $53 million, minister.

Mr Hargreaves: Where is the rest?

MR PRATT: And that is $53 million for the complete length.

Mr Hargreaves: No, it is not.

MR PRATT: You can sit here today and spin, and paint a picture which is not quite the truth.

Mr Hargreaves: It is not.

MR PRATT: But these budget papers very clearly indicate the Humphries government's intentions for what was a four-lane road for the full length.

Mr Hargreaves: It is not the full length.

MR PRATT: You, my dear chap, are standing there swinging in the breeze, entirely exposed. Maybe you had better go and look for that loincloth which is flapping around behind you.

Mrs Dunne: You have to remember what Mr Corbell promised—on time, on budget.

MR PRATT: That is right: on time, on budget and four lanes. Yes, sure! I want to look at the litany of failures that have occurred over this long sojourn that we have seen with respect to the Gungahlin Drive extension. I will give a number of examples. On 3 May 2005, we said in this place that ongoing delays to the construction of the GDE had cost ACT taxpayers a whopping $16 million in additional funding. This is a measurement of how things have progressed. In the 2004-05 budget, the project was costed at a total of $70 million then. In the 2005-06 budget, as we raised in this place on 3 May 2005, it was then going to cost $86 million. So even then there was a $16 million blow-out.

Of course, the government argued that this was out of their control, due to the ongoing legal challenges launched by the Save the Ridge group. We quite cleverly and accurately counterargued at that time that if the Stanhope government had provided the proper environmental impact studies and reports in the first place, and had not spent so long messing around with the eastern and western route alignments, the whole process, as at 3 May 2005, would not have been dragged out. So there is the first example of this government's passion fingers in relation to the Gungahlin Drive extension.

On 29 November 2005, we pointed out, here and publicly, that the 2005-06 September quarter capital works progress report showed that the completion date for the Gungahlin Drive extension had been pushed out by a further nine months. The report tabled in the Assembly then showed that the new completion date for the GDE was going to be June 2008. That was in stark contrast to the September 2007 completion date shown in the 2005-06 budget papers which I referred to a moment ago, and the 2004-05 June quarter capital works progress report. All the time, the government is making excuses—delay, delay delay—and adding to the budget, because those delays were also becoming costly.

In November 2005, Mr Hargreaves admitted that the planned upgrades to Majura Road and Pialligo Avenue had been postponed indefinitely following the massive $73 million cost blow-out for the Gungahlin Drive extension. So on 10 and 11 November we again saw the government's incompetence, demonstrated by the fact that it was then saying, "Oh dear, we've had another cost blow-out. We're going to have to cancel Majura Road and Pialligo Avenue."

The minister also confirmed that "numerous other small roadworks" had been shelved to accommodate the GDE blow-out. So the hunt for his five-year road plan, which

covered all of those tasks, went straight down the toilet, through the incompetent fingers of Minister Hargreaves. There we had it: the government's priorities to smaller roads had been pathetic. In 2005-06 budget, there was next to no new funding for Roads ACT projects or traffic congestion programs. So the litany of incompetence goes on.

In June 2006—my goodness!—there was another $30 million blow-out. The $30 million blow-out brought the already extravagant price tag of the GDE to $116 million. It was then noted that in the previous year's budget, the 2005-06 ACT budget, approximately $86 million was required to complete construction; therefore there was a $30 million blow-out.

The stumbling minister comes into this place announcing, month after month: "Oh gee, more blow-outs. Oh gee, more delays. Oh gee, other roads priorities cancelled." On 4 August 2006, we saw another debacle—the soil debacle. The latest instalment in the ongoing GDE saga was that an extra 40,000 cubic metres of landfill was apparently trucked in, at significant cost, to build up areas for ramps and flyovers in accordance with the government's plans and specifications for construction. Not only did 40,000 cubic metres of recently trucked-in fill need to be removed, but another 180,000 cubic metres of existing soil also needed to be cut out and removed from the landscape. So 40,000 is put in by accident, but it was a matter of saying, "Hang on, we've still got to take 180,000 out." An answer to a question on notice in September proved that this debacle, the soil debacle, cost an unnecessary $2.5 million.

That is just a snapshot of this government's extravagant handling of this matter. It is no wonder that, when we talk to engineers and contractors, they talk about "passion fingers" Hargreaves. I think that is probably a colourful way of describing how they stuffed this project, or words to that effect. Another colourful expression by people around the place is "Midas in reverse"—everything that we touch turns into something, but not gold. Mr Speaker, we come to the government's panicked announcement.

Mr Hargreaves: Have a drink of water, Steve.

MR PRATT: Thank you very much, minister; it is the best advice you have given in seven years. We had this bloody backflip announcement. We know that the first third of the duplication was not to occur for the first five years. There was no indication of that, but suddenly we have an announcement. I am looking forward to a clarification of that position. As for the statement about fuel, the whole thing, from whoa to go, has been a debacle: 2012 and $215 million versus the previous Liberal government's $53 million, to be completed by 2005.

MS PORTER (Ginninderra) (4.40): Mr Speaker, members of this Assembly are elected by the community to make decisions that support and sustain the economy now and into the future. The decision by the ACT to duplicate the GDE now is a sensible and practical one, and it is a good decision. It is clear that the GDE is a very popular road—I travel on it every day and I can attest to that. It is clear that ACT community would like to see it duplicated now. It is also clear that the GDE is an important element of the future transport infrastructure for the ACT. It is necessary for the ACT economy to continue to grow and prosper.

It is a great pity that persons of Liberal persuasion have been so disruptive throughout this project. As we have heard earlier today from the minister and during question time, the decision by the Liberal government in 2001-02 was to progress a four-lane road with tunnels—I think that is what they were supposed to be—yet it provided only $32 million in funding for that. Were there to be tunnels or were they to be rabbit warrens? Perhaps they were rabbit warrens, or perhaps they were going to remove the hill, put the road in, and then place the hill back over the road, thus creating some sort of tunnels. I am sure this was a brilliant idea, but I think it was going to cost a lot of money. Certainly, it was going to be very disruptive to the environment. I do not know what the Save the Ridge people would have thought about that. Anyway, I think that was going to cost a little bit more than $32 million.

Then, of course, we had the decision by the same government to build the GDE only to Belconnen Way, so we got a road halfway to nowhere. Okay, it went to Belconnen, but that was not necessarily very helpful. A lot of people actually go from Gungahlin to Tuggeranong, believe it not. So we had a road that was going to be built with rabbit warrens and it was only going to go halfway. The decision by the federal Liberal government, through the guise of the National Capital Authority, to force the current government to accept the route through Bruce and O'Connor ridges at a cost to the ACT community of $20 million and two years of lost time through court challenges, led to the disruption and delays that the people of Gungahlin have experienced. All the disruptions to constructing a road for the people of Gungahlin were very disappointing, and we share that disappointment.

It is fortunate that the current ACT government is more understanding of the needs of the community and is prepared to respond to these needs now and into the future. Every member of this Assembly understands the importance of building and sustaining a future for our children and their children. Investment in infrastructure is a key investment, which is recognised by the Rudd government at the federal level and the Stanhope government at the ACT level. It is evidenced, of course, in the 2008-09 budget.

Together we will guide and build the future of this great community, but we should never forget the disruptive actions of the Liberal Party in this matter—the same party that is still on the back foot and unsuccessfully trying to catch up with the important issues of the day that the Labor government ACT has been dealing with and responding to for over eight years. Building a GDE duplication now is a good decision for the ACT community, a good decision for the future of Canberra and a good decision for the people. It is a good decision by a government elected by the people to make decisions. The government is expected to deliver on those decisions, and it will.

DR FOSKEY (Molonglo) (4.44): Yes, let us assure our children a better future. Let us keep driving. Let us get as many cars on the road as we can. Let us get our cars going faster. Let us get our cars going further. That will give our kids a better future, will it not? Anyway, the great news, Mr Speaker, is that 2012 can be a GDE election too; 2004 was a GDE election, 2008 is shaping up to be a GDE election, or are government's actions timed to make sure it is not a GDE election? That might have been the hope. What we have here is playing the blame game prior to the election

about the GDE—whose fault is it that it is there at all, whose fault is it that it was not there sooner and whose fault is it that it was not cheaper? Really, we are avoiding the main questions.

Let us go back to 2005, when the opposition supported the government changing the law to let the work proceed. We know that there were court rulings, we know there was work by the Australian wildlife assessment unit, and we know there was no environmental impact statement. It is funny how we did not have the opposition or the government calling for an environmental impact statement on the Gungahlin Drive extension when such a statement is recognised as being so important by the opposition with regard to the gas-fired power plant and data centre. We have to be consistent about these things. If we care about the environment down there in Tuggeranong, we care about it in O'Connor too. Show me that you do. I do not think so.

I really have to be very cynical about the government saying that they had this covered in the budget. I think this was the what-if item: what if the opposition promises to fund a GDE? It is just tucked away in there as a just-in-case item. It is a maybe item—"Well, let's hedge our bets and let's not explicitly point it out in case we do not have to." The Treasurer's statement says:

> The Program also makes provision for future projects required to meet the transport demand as the result of urban growth. These include Parkes Way, Majura Parkway and the duplication of Gungahlin Drive Extension ($84 million).

So what is that $84 million for? It could be for any one or all of those projects. I believe it looks very much as though the government plans to match the opposition step by step. I think the opposition should test this. Why does the opposition not suggest that we have a light rail or that we put dedicated bus lanes on every new road? Come on, opposition; if you do it the government will say, "Me too." So do it. Go for it, opposition!

I just think it is incredibly short-sighted. It shows me that the Stanhope government's horizon is so short that it is as short as the next election. It is an horizon of eight weeks. We have not even heard that there is going to be a transit lane incorporated into this. We know that Gungahlin people are calling out for light rail; they are calling out for light rail down Flemington Road. Here we have an opportunity—and this government is going to spend $83 million on a road that is going to be a fossil in 10 to 20 years. Let us face it, we will not need four lanes in 10 to 20 years.

Where is the vision of this government? Where is the evidence that its transport planners are reading the literature? Do we have a minister for roads? We certainly do not have a minister for public transport. That one has been let drop. How can we possibly talk about duplicating the Gungahlin Drive extension without planning to put a rapid bus transit lane there? That should be the very least if there is not to be the potential to have it upgraded to a light rail route in the future.

We have a minister who is not interested in listening even to his colleagues in the Assembly. Mr Mulcahy made a good point, which the Greens have been making for a decade or more, about the need to go back to a system of planning where we have

employment in the town centres. We do not see the government out there advocating strongly on that at Gungahlin, do we? This is really important. I know it is difficult; it may have been a misconceived plan in the beginning because workplaces move, people change jobs, different members of each family work in different places, but it still is a reasonable principle. If everybody in Gungahlin has to get into their cars to drive to work, you I would call that a planning failure, would you not?

MR SPEAKER: The time for this discussion has expired.

Standing orders—suspension

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

> That so much of the standing orders be suspended as would prevent Mrs Burke from moving a motion to refer a matter to a committee and having the motion resolved.

Health—Wanniassa medical centre

MRS BURKE (Molonglo) (4.51.14): I move:

> That the closure of Wanniassa Medical Centre be referred to the Standing Committee on Health for immediate inquiry and to report back to this Assembly on Tuesday, 26 August 2008.

I must begin by declaring my own interest in this matter. I have been attending the Wanniassa medical centre for over 20 years, and it has provided an excellent service to me and my family over that time. I, like thousands of other patients, was horrified to read in the paper that it was to close and to close so soon. In fact, tomorrow will be the last day for this clinic as it stands.

It is interesting that the minister asked what I would have done if I were the minister. Well, one thing is for sure: I would have been in dialogue with those people who are significant providers of health services in the ACT. Primary Health Care has decided to close the Wanniassa clinic and move the doctors to a larger facility in Phillip. The doctors, who are not happy about it, are bound by their contracts. My office has been taking calls from patients from the Wanniassa medical centre who are very angry, upset and worried about the sudden closure of their local doctors' clinic.

It is interesting again that the health minister moaned earlier today in this place that I would dare say anything about her lack of involvement in this matter. This is exactly why the opposition have called for this inquiry—that is, to better understand the circumstances around the decision by Primary Health Care. One lady rang me before I came down to the chamber and she said she and her husband had been going to the Wanniassa medical centre and they cannot believe that it is closing. They say that going to Phillip is not much of an option as there is nowhere to park. There is some concern that they will not be able to get their regular doctor.

I also read in the paper recently that one resident who planned to attend the rally on Tuesday of this week to protest the closure of the clinic said it was like losing a family

member. I also have an email from another patient who is recovering from having a brain tumour removed. He is now quite concerned about his continuity of care with his regular GP. Health is a very personal matter, and losing relationships built up over many years is not a small thing. Most people want that personal connection—a doctor who knows their medical history and that of their family. People do not want a generic drive-through style of health care.

We have had the minister talking to us about walk-in clinics, which the community do not believe will in any way be a substitute for GPs. In fact, I understand that these places will not have professionals who are able to prescribe medication. I know the Wanniassa clinic was always busy, and it often took two to three days to get an appointment. I understand that Primary Health Care has made a business decision, but I also note from its 2007 annual report that it had a 15.9 per cent increase in revenue to $280.4 million.

Indeed, one of the questions that was put to me today by yet another caller was about whether Primary Health Care have placed wealth over health and whether they have gone too far this time. An inquiry will allow us to question Primary Health Care as to how they view their role in the Canberra community both in the short term in relation to the closing of Wanniassa and, of course, in the longer term.

I appreciate the fact, and thank members for it, that we have tripartisan support on this matter. The government always claims credit when a practice expands, such as the Ainslie one where Mr Corbell launched the expanded practice last week. What I and around 60,000 patients of the Wanniassa medical practice would like to know is when and whether the government, particularly the health minister, had discussions with Primary Health Care, given its significance to the provision of GPs in this city. When was the last time she talked to them? Has she ever questioned Primary Health Care about their long-terms goals and their plans for the delivery of health services in the ACT? They are all reasonable questions, I would have thought.

I really find it very hard to countenance that the minister did not know that the practice was going to close. If that is not the case, that shows me how out of touch she is. I for one certainly would have been talking with them and liaising with all those people providing such an important and critical service to the people of the ACT. The minister alluded to something she might do or try to do, but I think she really needs to start to think about what she will do to address the situation where nearly 60,000 people find themselves without ready access to their GPs whom they have seen for many years. Again, these walk-in clinics that have been talked about will be no replacement for the continuity of care a regular GP can offer.

There is a question mark about parking at the Phillip clinic, where there is already not enough parking spaces to satisfy patient demand. The thousands of patients being transferred to Phillip will now be vying for just 44 parking spots. I understand there will be an increased number of GPs based at Phillip, and parking could pose significant problems.

My motion asks for an inquiry by the Standing Committee on Health and Disability to report by 26 August. I realise this is a quick turnaround, but this is an urgent matter. It is a matter about which the government simply threw up their hands and said, "Well,

there's nothing we can do." I did not hear them even trying to do anything. The smokescreen of saying, "Well, the opposition have just jumped in now" simply was not true. Two of my colleagues, the members for Brindabella, Mr Steve Pratt and Mr Brendan Smyth, actually attended the rally. So to say that we are just jumping in on this is ridiculous.

My motion asks for an inquiry by the standing committee on health to report by that date. We will hopefully be able to do all that we need to do to report back by the end of this Assembly. We need some answers. We must be able to ensure that health care continues to be easily accessible throughout the ACT. We cannot afford to sit on our hands and just wait, as the health minister seems to want to do. This is a real issue for many in our community, and they want answers from us in the Assembly.

To simply say there is nothing we can do is taking it lying down. It is not even trying to have a go and stand up for the people of the valley. You would know, Mr Deputy Speaker, of the flow of calls that you and Mr Smyth have had. Perhaps Labor members have spoken to those affected as well. I think the government is being frowned upon for its stance in saying that it cannot do anything.

Mr Corbell: What part of "bipartisan" don't you understand?

MRS BURKE: It is bipartisan, but I am not going to stand here, Mr Corbell, and say that everything is rosy in the garden. I am not like you on that side. This is a robust debate about what we can do together. But, unfortunately, the health minister has been found wanting. If what she is telling me is right, she has not spoken to these people about what their long-term plans are for health in the valley, which seems absolutely incredible to me.

Mr Hargreaves: Bring back Freddy Frapples!

MRS BURKE: I am wondering if Mr Hargreaves may have something to say about that; perhaps he knows more than I do. The number that I have been given is that between 50,000 and 64,000 people will be severely affected. We are talking about people with disabilities; we are talking about people who cannot drive; we are talking about a lousy bus service that gives one bus per hour to get people from Wanniassa to Phillip. Is the Minister for Territory and Municipal Services going to fix up the bus system? We are talking about elderly people; we are talking about a raft of people who are now going to find this so difficult.

I hope that the government and this Assembly can work collectively together to come up with some solutions in a way that the Canberra community expect us to as a legislature. I thank colleagues for their support of this today; I really appreciate that. I commend this motion to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.00): On behalf of the Minister for Health, who is otherwise engaged at the moment with a meeting, I want to indicate the government's support for this motion. I must say, though, that I need to express my disappointment at the approach adopted by the Liberal Party on this matter. When the Liberal Party first approached the Minister for Health earlier today on this referral, the suggestion was made that it

be done on a bipartisan basis. I do not know which definition of "bipartisan" Mrs Burke was working on, but the last time I looked "bipartisan" meant that you agree to work together on an issue without blaming each other. Unfortunately, it is the "without blaming each other" part that Mrs Burke seems to have forgotten. Instead, she chooses to resort to resort to the normal political point-scoring that we expect from those opposite. If she truly wanted a bipartisan approach, I would have expected her to say, "We want to join with you and with other members to see if there is anything that can be done on this matter."

As the Minister for Health said in her answers during question time, the challenge for all of us is that this very disappointing closure is the result of a decision made by a private company. It is not a decision made by a government; it is not a decision where a government can direct a private company to do otherwise. It is simply not something that the government can halt. That is the point that the Minister for Health made earlier on today.

If the will is there, in all parts of the Assembly, to look at this matter and allow people to have a voice on this matter, and perhaps it can be used to put pressure on Primary Health Care, that is a positive thing. But the point must be made that we should not use this to give people false hope that there is some power intrinsic to the government or the Assembly to direct this private company on how it conducts its business—because there is not. We all know that. We should be honest with the community. We should be honest with the community about that.

As long as we are not giving people false hope, this is a worthwhile thing to do. I know—I have every confidence—that the Labor members will conduct themselves in this inquiry with that in mind and will take every opportunity to highlight the inequitable nature of Primary Health Care's decision and the impact it will have on people who find it more difficult to get to alternative GP services. At the same time, we will not seek to hold out a hope that in some way, with a magic wand, government action or Assembly action can change the decision of this private company. That is the careful path that we need to tread.

The government welcomes the opportunity to be involved. I know that my Labor colleagues, particularly those members who are from Brindabella, will take every opportunity to highlight this issue. We look forward to participating in the debate.

MR SESELJA (Molonglo—Leader of the Opposition) (5.04): I commend my colleague Mrs Burke for bringing this forward. It is difficult to take a bipartisan approach with the government on this when the government have said that they cannot do anything and they are not going to do anything. That is the lesson here today: Mrs Burke, on behalf of the Liberal opposition, is seeking answers. There is no easy answer. We all know that. We all know that there has been a private decision made by a private practice.

We are concerned about the outcome of that. We should be concerned about the thousands of people who rely on this important medical facility. I know that members of my own family have, and I think that years ago I used to attend this very medical centre. Many people in the valley take advantage of this clinic. We should be looking for answers. That is what this is about. If it comes to the end of it and we say,

"Unfortunately, there is nothing we can do," that should be done only after we have actually tried—after we have looked for answers, after we have sought answers.

Government should be leading the way. Political leaders and leaders in the community should be taking the lead on this and saying, "Look, there is no easy answer but let's have a look at it." That is what this is about. It stands in stark contrast to what the Minister for Health has said on the issue—thrown her hands in the air and said, "Well, there is nothing I can do." We want to see. We want to get to the bottom of whether there is anything. There are issues around planning. There are a number of issues that need to be explored. We will be exploring them and we will be doing that work. The government is showing no willingness to take the lead on this. Mrs Burke has, and I commend her for it.

The inquiry is worth doing. It is worth a few hours of the committee's time to get to the bottom of this—to perhaps talk to some of the key providers or key players in this, who apparently the minister has not had any discussions with to date. When things like this happen, there are not just the legal remedies. There are not just the legal remedies that we can look to; there is also the moral force that political leaders should bring to this. To date, we have not seen any of that leadership from the government.

We in the opposition will be seeking to provide that. We will be seeking answers. If there is anything that can reasonably be done—whether or not this practice moves to Phillip in the end, whether or not there can be anything done to ensure that there are doctors there in Wanniassa so that the people of Wanniassa and the surrounds are not left short—we will do absolutely everything within our power to try and bring that about.

MR MULCAHY (Molonglo) (5.07): I will be brief on this. I received a phone call from Mrs Burke this morning asking if we could approach this in a bipartisan fashion.

Dr Foskey: You must have meant tripartisan or quadripartisan.

MR MULCAHY: There are four parties here now. There are four now.

That said, I said I was happy to support her, and I do not change my position there. It would have been even more powerful and effective if we could have approached it on that basis instead of becoming—I suppose it is too much to hope for this close to an election—a bit of an argy-bargy.

I was told about this a week ago by a friend of mine who is a GP—just before it hit the media. Obviously the public outcry that has been evident is extensive. Only last week I was down at Monash for the turning of the sod for the next stage of the retirement village there. There are many of our seniors living in this area, and no doubt they avail themselves of the Wanniassa practice.

I share the sentiment of Minister Gallagher and the Attorney-General in that this Assembly has very limited capacity to do anything about this. But one thing that really tipped the scales for me was this. I tuned in—I will not give the name of the gentleman in case I have got his name wrong—to a television broadcast, a phone interview, with a spokesperson for Primary Health Care and nearly fell out of my

chair when I heard something to the effect of "What do they want? Shoe-shine boys and coffee?" If that is the way in which this corporation treats people who have come to them in good faith, I think they are worthy of condemnation. I have not got the audio transcript, but I am pretty sure they are the words I heard. I spoke to Mrs Burke and she has had a similar phone conversation with the person concerned.

I have spent 30 years of my life in issues management. If anybody working with me treated the public with that level of contempt, I would tell them to look for alternative employment. I thought it was a disgrace.

There are many people in the Wanniassa area who are quite distressed by this. It is not in my electorate, but I sympathise with their predicament. I do not blame the government of the day. I think this is a broader issue, with a failure of public health that goes back to decisions taken in the early 1980s, when the then government, on the basis of advice from the federal health department, thought that it would be a really clever idea to restrict the number of people going in to develop medical careers. I will be well and truly in the retirement home before catch-up occurs. We are paying the price for this stupid and short-sighted decision taken years ago in terms of not letting enough people go into medical general practice—to now get to the point where we are desperately scratching around and trying to find people from all over the world to provide medical services.

The effect this Assembly can have is to cause some measure of embarrassment to this company. I do not even know if they are publicly listed. I hope they are, because I think the Stock Exchange will be interested to hear the decision of this Assembly—it looks as though there will be a unanimous decision to raise this and investigate the matter. Let me say to the operators of this medical group that their incredible insensitivity to people in Canberra—the callous way in which they have approached this and the short notice—smacks of the worst aspects of corporate medicine.

I lived in America for a period of time. One of my children became very ill. I had the best private health cover you could imagine and it was well supported by influential people in business who were connected to medical schools. Even there I found it a struggle to get good medical treatment. I hope that in Australia we never get to that level of poor health care where callous corporate operators are interested only in the quick buck and are insensitive to the needs of patients.

I would welcome this inquiry. It will be short. It will have to come back to the Assembly quickly. It is an opportunity to air in a public hearing some of these concerns. I hope that this corporation that has ridden roughshod over its patients and over the people of Canberra gets a wake-up call and replaces the people who are making these decisions. If they are equity partners in the business, I hope they get a very loud message from the people of Canberra that their approach to doing business here is not welcome.

MR SMYTH (Brindabella) (5.11): The problem with what has happened in Wanniassa is that the public there do not know why. The patients of this practice—I understand that they number tens and tens of thousands of individuals and their families who have gone through this practice in its various iterations over many years—do not know why what on the face of it would seem to be a thriving practice in a recently renovated building—next door is having many hundreds of thousands of

dollars worth of additional work being done on it, on a supplementary building that will have an associated medical practice in it—has to move from Wanniassa to Phillip.

Even more importantly—I am not sure if members are aware of this—I have been rung and told by various people that the medical practice that used to be in Mannheim Street, Kambah, as well as the medical practice that used to be located at the Monash shops and that is quite close to the Goodwin Village location which has been mentioned and which used to service that population, have been rolled across into Wanniassa. Now that practice is being rolled out of Tuggeranong Valley into Phillip. In effect, you have taken the medical practices out of what is eastern Kambah, Monash and Wanniassa and moved them north. That is a significant piece of the ACT that now has inadequate coverage by GPs.

As we have all said, the firm needs to answer the questions as to why. There used to be a mutual obligation where business looked after community and community looked after business. But some firms seem to have just put the profit before the people who they serve. I think that they think they can get away with using practices that will stop business—other competitors, in this case other GPs—from backfilling that area.

There are a number of questions that have to be answered for the community. In particular, what will happen to the lease on the existing building—that is, the medical centre at Wanniassa? If it is the intention of Primary Health Care to hold that lease and not allow it to be backfilled, then, if you take all of this in the context of what has recently come down from the ACCC in regard to supermarkets and market share, there are compelling reasons to have this inquiry.

I am pleased that the inquiry does have bipartisan support. We will, hopefully, get some interesting answers as to why this action has been taken. But the real problem is that, until we know why, we cannot formulate the answers that might assist. I know that Mrs Burke has got a lot of answers, because she revealed some of the things that she would like to do in the future. But until we know the actual reason why, we are in the dark.

It is very important that this inquiry takes place—that it takes place speedily and reports back to the Assembly before the close of the Assembly at the end of August so that the Assembly has time to debate and, if necessary, take other action to ensure medical services, particularly those of your local GP, your local doctor, your family doctor, who is not just a doctor but, for many people, is a friend, a confidant, somebody who helps them through dreadful periods in their life and is part of that glue that binds society together.

This is not just about the medical practice. This is about the fact that GPs who write prescriptions and prescribe treatments for people see those people leave their front door and go to the local chemist. The local chemist will be 50 metres away. At the Wanniassa shops, we have recently seen the Supabarn expand and refurb because they have faith in a community that saw a new medical centre built and an ancillary building being built. And decisions are being made by other businesses that have further influence in the community. Their decisions to expand are based on the confidence that others have displayed. To have those hopes dashed in this way without any logical explanation—and perhaps there is a perfectly logical reason why they are moving this practice out of the valley; I cannot understand it—

Mr Mulcahy: Making money; that's all.

MR SMYTH: Mr Mulcahy interjects that it is probably making money. I suspect he is probably right. But let us give them the opportunity to explain to their community—the community that they have served, the community that they have taken an awful lot of money out of over past years. The damage that you can have caused to a local community in losing one of those key elements—if a shopping centre has a supermarket, a newsagent, a butcher and a chemist, and, if they are lucky enough, a GP, that is a really viable centre.

What we will see in Wanniassa—in fact, from Drakeford Drive eastwards, with the exception of the Kambah village—is an entire area denuded of medical practice. That has a flow-on effect. Those people who go to the medical practice then go to the chemist; while their script is being filled at the chemist, they do the evening shop. They might go down to the newsagency and buy a paper. They might go to the coffee shop and have a coffee. They might go to the takeaway and get some food for the evening. Whatever it is, it is keeping people local. All of us in this place at various times, from the various discussions we have had about the community we want to live in, understand the importance of the local shop.

I congratulate Mrs Burke for this and I congratulate Mary Porter for agreeing—and the minister and everybody for saying that this is really important. Whilst fundamentally it is about the GPs and the services they provide to their patients, it is about a community that is being attacked by a firm that is slowly rolling back the level of service to meet its needs and not the community's.

That is not the attitude we had when my family was in business—and we were in business for 40 years. We knew fundamentally that to look after the community was what we were there to do. We made a living out of it, yes. But we put back in. It is about time that this firm in particular, Primary Health Care, understood that they have to pay a dividend for the privilege of serving the community that is Wanniassa. They should pay a dividend, and that is to maintain that service where it is.

This decision must be reversed. If we can use the power of the community and this Assembly—these speeches tonight will be repeated elsewhere; I am sure we will all send them to our constituents and I would urge everybody to send this part of the *Hansard*, when it is proofed, to all of their constituents. I am sure that someone will bring it to the attention of Primary Health Care in Sydney. I certainly hope that the owners of the building will be informed; I am sure they will. It says that, as a community, we, their representatives in this Assembly, place great stock by the local community and we will not let anyone, no matter who they are, come in and attack our communities in this way without explanation. If you have a reason for moving the practice, tell us that reason; help us to understand it. If it is simply putting profits before people, providing a lesser service, catching people in your web and then moving them to suit your needs, we do not want that sort of practice carrying on here in the ACT.

I commend Mrs Burke for moving the motion and I commend those opposite throughout the chamber for agreeing. I hope that this sends a solid message to people about the way they conduct their business in the ACT.

DR FOSKEY (Molonglo) (5.19): This is an issue that, while it is specifically occurring in Wanniassa, will impact on the whole of Canberra. The practice is moving from Wanniassa into Phillip; that is, into Molonglo. We have an absolute shortage of GP practices in the ACT already. It is extremely difficult to get your name on the list of any doctor, and really the first principle in decent health care is having a doctor who knows you. There is nothing worse than going to a practice where you just have to sit and wait and see whoever comes to call you from the line.

I was reading something in the paper yesterday about how GPs are really concerned because there is so much use of the internet in self-diagnosis. That is actually particularly prevalent amongst our young people who have got used to using the internet for lots of other things as well. But we are going to be pushed into doing this kind of thing unless we turn around the trend that is happening in our general practice.

I do have to point out the irony of a medical business being called Primary Health Care. When we call for good primary health care services we are actually invoking the name of this corporation, which it seems does not really prioritise primary health care at all. I am aware of the impact this will have for the local pharmacist and the flow-on effects in our community. It is a Greens' principle that we have local facilities as close to hand to people as we can make them.

But I cannot let this debate go by without pointing out that we are talking here about a private health provider who, of course, has every right to make its decisions based on its bottom line, because we know that is what private business is all about. A number of years ago a government chose to allow this wedge into our health care. We used to have in the ACT a very good system of community health centres, which included GPs and probably a number of allied health providers as well so that if a private provider decided to move there was still an option.

I am quite sure, although I do not have the details to hand, that we had a community medical centre in Wanniassa. We certainly had one in Belconnen and we had them elsewhere. Now we do not have them. We said, "Okay, the market can look after our health care and, mate, this is what you get." It is a little bit late to shut the gate; the horse has bolted on that one. But the government can play a role in insisting on and in developing community health facilities—whether they are nurse practitioner led, as Ms Gallagher was suggesting, or whether they have a group of other allied health practitioners as well.

It is really important that we do provide that, because we are going to need a lot more health care in the future and we cannot stop private health providers doing what they are set up to do. It is just a little late. Where was everybody during those Carnell years when those community health centres were closed?

MR GENTLEMAN (Brindabella) (5.23): This is a very important issue and it is pleasing to see that there is support right across the Assembly for this inquiry to begin. I am keen to see it start as soon as possible. I have been a patient of this particular service and my children have in the past as well; so it is disappointing to see it change in this way. I certainly hope that the health committee's inquiry can come up with some alternatives for us. But I think that, as members have said here tonight, the

added pressure of the discussion here tonight and the referral to that committee will add perhaps some weight to the community's concern in the Wanniassa area.

I am very pleased to see that Annette Ellis and Joy Burch were there at the community meeting to get the ball rolling with the media, and I understand Mrs Burke was there as well. So it is very important that this committee start their work as soon as possible, and I look forward to the results of their inquiry.

MR PRATT (Brindabella) (5.24): I want to congratulate Mrs Burke for bringing this motion on and I want to make a couple of quick points. I do not need to repeat everything that has been said here. There have been some very good arguments made. The first point is that Wanniassa, the area served by this particular practice when it was alive, has a slightly older demographic. Therefore, the medical needs in this particular area are a little sharper than they might be in other areas.

Of course, Mr Smyth talked earlier about a very important issue: the absorbing of the Monash and eastern Kambah clinics into the Wanniassa practice as well. The point there is that the Monash and the east Kambah areas are also demographically a little older than some of the others, so the medical needs of those areas were pretty significant. Suddenly we have this swathe of territory across the north-west Tuggeranong Valley running from Monash to east Kambah where you have got a significantly older demographic now who may have to trudge off to Phillip or relocate to perhaps a very crowded practice at Erindale and to other practices which are also packed to capacity as well.

This is the situation we have. There is clearly a strong community and health administrative need for a clinic somewhere in that area close to Wanniassa shops. Clearly, nobody thought about that. At least if there was a concern, why did not the practitioners of this particular practice talk to somebody before they moved? I bet there was not any warning. I bet there was not any discussion between the owners of this practice and the government or anybody else in authority.

Mr Smyth and I were down there when the community met at 9 am on Tuesday. We spent a fair amount of time there. We talked at length to a hell of a lot of people who were there. What seemed to come across quite informally is that most of those people had no idea before late last week that this was going to occur. Where was the courtesy on the part of the practice to at least mail its clients to give them some sort of warning? These people are telling me that they did not receive any mail-out. If there was a mail-out and it has gone astray, I am prepared to be corrected. But the information I get is that there was little warning at all. I find that really disturbing and I am quite critical of the people who run this particular practice.

To echo the call made by a couple of my colleagues, this is clearly a profits-before-people circumstance. This is a callous business decision where little concern was expressed about the people that they were leaving behind except to say, I suppose, "Well, at least you can move 4.8 kilometres up the road to Phillip. Come along. Follow us up there. But you have got no bloody say in the matter. You have got no choice." Where was the spirit? When these business decisions are being made, why cannot people who are making what they seem to believe are strict business decisions also go to some effort to communicate with their community, to communicate with

their clients, to communicate with community leaders and to communicate with this place about what is going to happen? That, of course, did not occur at all.

In fact, this rather reminds me of the attitude expressed by those involved in the power station issue: business takes precedence over everything else. I remind this house that in planning and development practices—this surely must apply to the way that a business conducts itself, and I here again refer in particular to the practice in terms of the way it conducts itself—the community principle and the environmental principle need to be taken into consideration at all times when business decisions are taken.

I would like to see the owners of this practice certainly brought before an inquiry of this place to discuss what has happened and why it has happened. I think clearly we see a bipartisan attitude for wanting to see that happen. I personally would like to see whether there is something in the planning and leasing arrangements relative to this practice. Perhaps this Assembly might be able to advise the ministers concerned that there are things that can be done to ensure that whatever steps can be taken to at least replace the lost medical capability is returned to that particular place.

I think this has been a very sad piece of work on the part of the practice concerned. I congratulate Mrs Burke for having brought this matter to the notice of this place. I congratulate Ms Porter in her role as deputy chair of the health committee quite quickly showing a willingness to open up the capacity of that committee to have a look at this matter as well. Well done, and let us see where it goes from here.

MRS BURKE (Molonglo) (5.31), in reply: I thank colleagues very much for their support and for their comments. I think that the people of Canberra obviously will be very warmed to know that on some occasions we do come together in a very cooperative and supportive way, particularly on issues that really are going to impact upon a great deal of people in the Tuggeranong Valley.

I think that what we have seen from this company is that they have done it because they can. I think that Dr Foskey alluded at some point to the fact that they had done this elsewhere, and indeed they have. In fact, it was in the Belconnen area. We then have to ask ourselves what area will be next. We really need to know from these people what their long-term plan is. I did have a lengthy conversation with the principal of PHC and I am left really unconvinced that this is beneficial to the community.

There was almost the suggestion: "Well, what are you asking me for—a GP on every corner, as the saying would go?" I said to him, "People move to Canberra because of the nature, the place and the way that Canberra is." We move here because of the easy access to things within our community—local shopping centres and services that are near and readily accessible.

I did think about this. I thought about what I could do. I thought about what I would do if I were health minister in this situation, and I decided to act. This is why I brought this motion forward today. I thought it was the least that we could do to all pull together to try and get some answers for the people of Tuggeranong who are left floundering and wondering why this happened.

I think it was Dr Foskey who quite rightly said that geographically you have shifted people out of the Tuggeranong Valley, which is now in the Brindabella electorate, up into Molonglo. It has left a really a gaping hole in terms of GP service delivery. I think Mr Corbell said it was about not giving false hope. I absolutely agree with that. But it is at least sending a clear message to the people of Tuggeranong that we are not just going to take this matter lying down. We are going to stand up for those people. I think it sends a clear message to Primary Health Care that the people in Canberra will not be treated in such a way.

I think that at the heart of this we believe the inquiry will be able to unravel things, as Mr Smyth pointed out too, and to provide some answers. The people, including the doctors and those thousands of patients, deserve answers. I know; I am one of them. I felt shocked when I walked into my doctor on Friday to be told, "We were told on Wednesday that we have got to pack up in a week and a couple of days." I was mortified. I just could not believe it.

There in the surgery were two elderly people on frames. There were three people with disabilities. There were three mothers each with two children in tow. That surgery was packed. I cannot understand the rationale behind why this has happened to such a thriving practice. It beggars belief. I think this is the answer that these doctors, these patients and the people in that community deserve.

I think, as others have said, this is devastating. We are seeing perhaps the slow degradation and decimation of another local centre. Heaven forbid that that will happen because there have been millions of dollars investment in that area on the local supermarket, the refurbishment of the chemist and a new takeaway. We have seen a new service, the medical centre—over $1.2 million spent on refurbishment.

We have seen that bombshell dropped on those people in such a short space of time. Again, I was told by the owner, "Well, what did you want me to do—give them a month's notice?" I said, "You know, it is called courtesy and it is called working with people." Nobody saw this coming, which was quite scary.

I think I have made my points clear about what I might have done if I were health minister. I think it will, if nothing else, send a message that we as a legislature do not take this sort of treatment lightly. I really believe that this move that they have proposed, far from having a positive impact on the community, will indeed have the opposite effect.

I will continue to work with my colleagues here in this place. I really thank Ms Porter today. I have to thank her most sincerely for the cooperation and work that she did in talking with her colleagues in the absence of the committee chair, who was overseas on parliamentary business. I thank all those who have spoken today. I thank my colleagues to my left and to my right—Mr Pratt and Mr Smyth—and I thank the Leader of the Opposition, Mr Seselja.

I am also going to work with my colleagues and with the owner of the building to see that the valley is not deprived of GPs. Let us see what we can do. The opposition have a plan. We have already tabled some policy about what we would do in the north of

Canberra. We would look to replicate that in the south of Canberra as a start. But there will be other things.

I want to advise the Assembly that because of the quick action of the deputy chair, Ms Porter, and me, we have wasted no time. We will be meeting at 10 o'clock in the morning to begin the work on this inquiry and to map the way forward. I thank the Assembly and obviously commend this motion to you today.

Question resolved in the affirmative.

Duties (Landholders) Amendment Bill 2008

Debate resumed from 8 May 2008, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (5.37): The Duties (Landholders) Amendment Bill is a bill that deals with a relatively small area of revenue interest for the territory but it does require a reasonably complex piece of legislation to achieve the objectives that are sought. I thank the Treasurer's staff and officials from Treasury who have provided a most useful briefing on this bill and who, at 22 minutes to six, are still in the chamber, having waited all day to hear these words. The briefing was very valuable in providing a clear understanding of the objectives of the legislation. It also clarified a number of matters regarding the actual operation of the amended legislation.

I am always concerned to ensure that legislation that affects commercial activities is applied consistently, where possible, across state and territory boundaries. I am pleased to note that this bill has been drafted to align the provisions as closely as practicable with provisions that apply in other states and territories, particularly given that we only have leasehold and that other jurisdictions also have freehold.

In principle, this legislation is updating provisions relating to certain transactions involving the transfer of interests in unit trusts or private companies by bringing them broadly into line with provisions applying in the states, and into line with provisions that are set out by the Australian Stock Exchange. In part, this legislation is a case of the law seeking to catch up with what is actually happening in the marketplace, or what might happen in the world of commercial transactions.

The main way in which the ACT's provisions differ from those applying in New South Wales and Victoria concerns the thresholds under which transactions are not formed by the current provisions. The reason for this is that the value of transactions in the ACT is typically much lower than those that occur in the larger jurisdictions. There is the added factor that, by not having any thresholds, this removes an administrative process for determining whether a transaction falls within or outside a threshold. I also note that there has been detailed consultation with interested stakeholders, especially the Law Society and the Property Council. It seems that this amending legislation is broadly satisfactory with those interests.

In essence, the objective of this amending legislation is to protect the revenue base of the territory by ensuring that relevant transactions are subject to conveyancing duty and not the lower marketable securities rate of duty. It does this by ensuring that transactions that are essentially conveyancing transactions are subject to the rate of duty that is appropriate to conveyancing.

To achieve this outcome, it has been necessary to amend the legislative regime to incorporate both direct and indirect transactions that involve land. It is in the area of indirect transactions where principals of entities may attempt to circumvent the payment of the higher rate of duty that these provisions will apply. In addition, amendments are being proposed that will make it quite clear when the principals of an entity have a relevant interest in land through the proportion of ownership that those principals have in the entity. These amendments are fairly technical but they target an important issue with potentially significant revenue implications. The opposition will be supporting the bill.

MR MULCAHY (Molonglo) (5.41): Mr Smyth has covered some of this in his remarks. According to the explanatory statement for this bill, the purpose of the bill is to tighten anti-avoidance provisions relating to the duty on transfers of land. This bill targets the effective transfer of land through the transfer of shares or units in a private company or private unit trust scheme or a wholesale unit trust scheme holding land. In particular, it lowers the threshold for the imposition of duty on these kinds of transactions.

Currently, a person is able to acquire an interest in a private company or private unit trust up to a certain point without being subject to landholder duty for land held by the scheme in which they are acquiring an interest. The current level at which the constructive ownership provisions begin to operate in this context is determined by the majority interest test set out in section 83 of the Duties Act. The section defines a majority interest in a company as an interest of at least 50 per cent of the property of that company.

The bill that is before us today seeks to replace the existing majority interest test and reduce this threshold to a new "significant interest" test which is set out in proposed new section 83 of the bill. This section defines a significant interest in a landholder as an interest of at least 20 per cent of the property of a private unit trust or 50 per cent of the property of a private company. This change means that the test for private companies remains the same but the test for unit trusts involves a lower threshold. The result of this change is that transfers of units in a unit trust scheme are more likely to incur duty with respect to the landholdings of the scheme than has previously been the case. Given the nature of unit trust schemes, which can often have quite large landholdings, it seems to me to be reasonable that these should be subject to a lower threshold for constructive ownership than other forms of indirect landholding.

Another change proposed in this bill is that it will expand the aggregation provisions regarding separate acquisitions of land that are taken to be aggregated for the purposes of duty calculation under the Duties Act. The changes in the bill target acquisitions of land under contractual options to purchase. An acquisition that arises as a result of exercising such an option is aggregated with other acquisitions for the past three years.

This change is designed to ensure that one is not able to reduce duty payments by acquiring land in a piecemeal fashion using options contracts. This also seems to me to be a reasonable change.

There are other changes in this bill which seek to tighten up existing anti-avoidance measures. I will not go into these in detail since the Treasurer has already spoken about them and discussed them in his explanatory statement for the bill. None of these changes raise any huge red flags in my mind, although, as I will discuss in a moment, I always have some reservations over changes of this kind that have the effect of expanding the scope of taxation in the ACT.

I note from the explanatory statement for this bill that the proposed change aligns the ACT position more closely with other jurisdictions, particularly New South Wales and Victoria. Whilst uniformity between jurisdictions is valuable, I do not think that we should be tightening the noose of our tax laws just for the sake of more closely aligning ourselves with other jurisdictions. I do not know whether it is because of my early career in the Australian Taxation Office but I have always been comfortable with anti-avoidance measures which seek to ensure that transfers of property are treated according to their overall substance rather than the particular contractual form and mechanisms used for the exchange.

However, I also have some reservations about the changes in this bill that I would like to speak to. I often hear the Treasurer speak about how taxes in the ACT are roughly aligned with those in other jurisdictions. Whilst I have some issues with the Treasurer's methodology in making this statement, it is certainly no great achievement to mimic other jurisdictions which are also heavily taxing their citizens.

In the ACT, the level of overall taxes, fees and fines has increased by more than 66 per cent since the Stanhope government came to power. In light of this massive increase, I do not think that we should look lightly at attempts to lower the threshold for duties payments or to aggregate separate purchases of land. We must be sure that the schemes in question are indeed analogous to more direct transfers of land and are indeed designed, in substance, to be a genuine transfer of land. This will ensure that anti-avoidance measures of this kind do not simply become another grab for revenue.

Despite some reservations, I will be supporting this bill. I believe that, overall, the changes appear reasonable within the context of current corporate practice. The changes seem to me to target instances where the substance of the transaction is a transfer of land which, if done directly, would be subject to duty. I do think that we need to be careful to watch this area with interest in order to ensure that problems do not arise with these provisions. In particular, we need to ensure that people are not unfairly targeted by duty provisions and transactions that should not be subject to such provisions. I will be supporting this bill.

DR FOSKEY (Molonglo) (5.46): I will be brief and I will be supporting this bill. It tightens up provisions relating to the transfer of land ownership by trusts. It has been very comprehensively described by Mr Mulcahy, by the Treasurer in his presentation speech and also by Mr Smyth. It includes careful transitional arrangements to provide for some degree of flexibility in order to avoid unintended consequences. I do not know whom the government consulted on this matter, but we were advised in the

presentation speech that there has been extensive consultation, including a discussion paper in 2003, further discussion in 2005 and a comparison with other jurisdictions.

This appears to be an exemplary process. I would imagine that a department would have had to report to the minister or to cabinet upon it. It would be helpful for members if such reports were available to the Assembly. I do not see why a report or a summary of such consultation could not be included with the explanatory statement as a matter of course. However, when I raised this as an initiative in the past, the ACT government invented a few spurious reasons as to why such an up-front approach was undesirable. Perhaps the winds of change suggested by the October election will, among other matters, soften this government's attitude to that kind of openness.

In regard to the bill itself, certainly the decision to echo the provisions in New South Wales and Victoria makes sense, given that there is no other specific social outcome that the government is seeking here, other than to tighten anti-avoidance provisions.

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) (5.48), in reply: I thank members for their contributions to the debate and for their foreshadowed support. The Duties (Landholders) Amendment Bill amends the Duties Act to tighten the current anti-avoidance landholder provisions. The intention of these provisions is to stop private companies and unit trusts that own ACT land from being used as a mechanism for avoiding conveyance rates of duty. This avoidance has been achieved by indirectly transferring interests in land via the transfer of shares or units, which attracts duty at the lower marketable security rate.

The landholding provisions have been the subject of extensive consultation, beginning in November 2003, when a discussion paper was first released, and again in 2005. The review of these provisions also included reviewing changes made in other jurisdictions. Where appropriate, the ACT has sought to align with other jurisdictions, particularly New South Wales and Victoria.

The changes are neither a shift in policy nor an expansion of the tax base; rather, they are a tightening of the existing provisions to better protect the territory's revenue base, ensuring that the original intentions of the landholder provisions are maintained. A number of transactions are already dutiable under the existing provisions and have been taxed accordingly.

The existing provisions charge conveyance duty on the transfer of an interest in a landholding entity where the purchaser of the interest is entitled to a distribution of greater than 50 per cent of all the property of the entity. Where the purchaser is entitled to 50 per cent or less of the property, duty at the lower marketable security rate is charged.

Under this bill, landholder duty will apply where an acquisition is made of an entity that holds land in the ACT of 50 per cent or more in a private company and 20 per cent or more in a private unit trust scheme. The proposed ownership levels are sufficiently high to minimise the impact on legitimate investment activity in the territory. The purchase of 50 per cent or more in a private company or 20 per cent or

more in a private unit trust scheme is a significant interest in the assets of the company or unit trust and should be taxed equally with other purchases of land. The proposed interests that can be acquired before landholder duty applies reflect changes in current business practices since the introduction of the original landholder provisions and will act to protect the territory's tax base.

It is important to note that the landholder provisions will not apply to companies or unit trusts that are listed either on the Australian Stock Exchange or on a member of the World Federation of Exchanges. However, landholders listed on a smaller exchange recognised under the Duties Act will be subject to landholder duty. This will stop entities listing on a smaller exchange simply to avoid duty.

Currently, a public unit trust scheme is not considered to be a landholder provided it is a managed investment scheme with 50 or more investors. The bill introduces the concept of a widely held trust, where the required minimum number of investors is 300. Twelve months have been allowed for existing unit trusts to meet this new definition. Such a trust, which does not have 300 or more investors after 12 months, will be a private unit trust and will be subject to landholder duty.

Currently, acquisitions of any interest in a landholding entity by the same purchaser or associated parties are aggregated where they occur within a three-year period. The bill strengthens the aggregation provisions to capture acquisitions by seemingly unrelated parties where there is substantially one arrangement or where purchasers act together to acquire individual interests below the threshold.

The changes will also ensure that acquisitions by linked entities are aggregated as if they were a single transaction. This will stop linked entities from being used to circumvent the ownership test. Further, an acquisition arising from the exercise of an option will be aggregated with other acquisitions during the following period: three years before the option is granted, up to when the option is exercised.

The bill adopts the New South Wales provisions for registration of wholesale unit trust schemes. Under this registration scheme, qualifying investors will be excluded from the association person provisions. For example, transactions in a wholesale unit trust involving superannuation trusts with common beneficiaries would not be aggregated.

In conclusion, the bill does not expand the territory's tax base; instead it protects the tax base by tightening the current anti-avoidance provisions. The changes ensure that significant interests in ACT land purchased by transferring ownership of the entity that owns the land will continue to be charged duty at the same rate as a direct conveyance. Again, I thank members for their contributions and for their support of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes (Controlled Operations) Bill 2008

Debate resumed from 3 July 2008, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (5.53): This is a significant piece of legislation, and what the Crimes (Controlled Operations) Bill 2008 will put in place are provisions to make legal those actions that are untaken by law enforcement officers in the ACT that would otherwise be considered illegal. It arises from concerted efforts by the commonwealth government and all the state and territories to develop common legislation that will enhance the fight against crime, particularly new forms of crime and crimes that cross political boundaries.

I thank the attorney's office for a briefing on this bill. It offered some very useful insights. I note that it is a very complex matter. I do not intend to speak for long, however, because the essence of the proposal itself is quite straightforward.

There are essentially two purposes envisaged by this bill. The first is to provide protection to law enforcement officers when they undertake controlled operations—and I emphasise "controlled operations"—to identify suspects and to ensure that evidence obtained as part of a controlled operation can be used in prosecutions. The ultimate target of the provisions in this bill is those criminals who organise and finance crime, in contrast to those people who may be involved in much lesser roles in criminal activity. Perhaps the most significant issue that must be considered with this bill is the balance to be achieved between tackling crime and apprehending criminals, on the one hand, and enabling law enforcement officers to break the law, on the other.

I note the opinion of the great late 18th and early 19th century social reformer William Wilberforce on this matter. Wilberforce's opinion was sought continually on a range of significant matters. On one occasion the Society for the Suppression of Vice was considering the idea of using deceit to secure convictions. When he heard of this idea Wilberforce rebuked the society for suggesting such an approach. However, 200 years later, we live in quite a different era. In contrast to the situation in Wilberforce's day, many things have changed.

The driver for legislation of this type is the changing nature of criminal activity, the increasing use of the internet in criminal activities and the reality that many criminal activities extend over state boundaries. I know that the ACT is an island within New South Wales and, as such, that crossborder activities are increasingly likely. To this end there has been a lot of development work undertaken over the past 10 years or so to respond to those issues.

This work has been done by the commonwealth but it has also been done by the states and territories so that there is a common legislative regime across Australia. I note that the passing of this bill this evening will bring the ACT into line with the commonwealth and with those states that have already put equivalent legislation into place, that is, New South Wales, Victoria and Tasmania. A model bill was developed in 2003 to provide the legislative framework for this consistent approach across

Australia to conducting controlled operations. As a consequence, the ACT's legislation and that of other jurisdiction is based on that model bill. There are a couple of aspects to which I should refer at this point.

This legislation has been developed in response to decisions that have been taken by courts in Australia, particularly the High Court in re Ridgeway. One of the outcomes of that decision was that the conduct of controlled operations should be provided for by appropriate legislation. Another important matter is the way in which covert operations are managed.

There is much detail provided in the bill which specifies the nature of any covert operation, particularly covering such matters as the nature of information that is required in any application for such an operation, covered by clause 10; the form of any authority for such an operation and of any amendments that may be proposed, covered in clause 11; disclosure of information, clause 26; and in particular, and most importantly, the keeping of records, which is covered by clauses 27, 28, 29 and 30.

Considerable care is given to the important matter of the delegation of authority to approve any covert operation. Clause 33 sets out the very limited extent to which any delegation of this authority can be made. Only two people can approve a controlled operation, and they are the Chief Police Officer and the Chief Executive Officer of the Australian Crime Commission. In this context, I note that controlled operations in many cases will involve national considerations and, hence, will involve the Australian Crime Authority. Any delegation from either of these two people can only be made to a limited number of people.

I understand there has been strong support from ACT Policing for the proposals set out in this bill. I have consulted with the Australian Federal Police Association. They tell me that they believe the bill will be a very useful tool in combating crime in this jurisdiction. With that, the opposition will be supporting this bill.

DR FOSKEY (Molonglo) (5.58): I do not oppose the central principles behind this bill. I recognise that there will be occasions when law enforcement agencies need to use the kinds of powers contained in this bill in order to effectively disrupt criminal networks. My major concerns with this bill centre on the lack of checks and balances and the very low level of oversight and control that the ACT can exercise over its own police force. We are the only jurisdiction that does not appoint its own police commissioner and we are one of the jurisdictions that do not have our own anti-corruption body.

ACT Policing only has to submit a limited report once a year to the Attorney-General. We rely strongly on the AFP to oversight ACT Policing. I agree with the AFP Association that the Haneef case has undermined the public's faith in the independence of the AFP. The ACT needs its own anti-corruption body, and it is disgraceful that successive ACT governments have been satisfied with the existing arrangements by which the AFP seems to use the ACT as a training ground for its junior officers and under which the ACT has no control over the loss of senior staff to national or overseas AFP deployments.

The kinds of powers and operations authorised by these amendments dramatically increase the level of temptation and increase the likelihood of corruption by ACT Policing officers.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

DR FOSKEY: We owe it to ACT Policing to ensure that its officers' integrity is not compromised. To do this, we need to put into place effective checks and balances to ensure that control operations do not get out of hand. These amendments do not contain effective checks and balances. In fact, ACT Policing will undertake these operations under the weakest regime of oversight in Australia.

This legislation does more than provide protection for AFP and the Australian Crime Commission staff from prosecution for what would otherwise be illegal activities. It also gives the AFP, in its role as ACT Policing, the power to engage in operations where contraband like illegal drugs is not under its control. The absence of this power apparently led to the AFP withdrawing from operation Mocha. Operation Mocha was the notorious uncontrolled operation by the New South Wales Crime Commission which resulted in six kilograms of cocaine going missing.

There are many lessons which should be learned from the scandal of operation Mocha. One of those lessons for us in the ACT is that AFP officers were involved in the early stages of this operation and their acquiescence or tacit approval of the arguments used for justifying the operation should give us cause for concern.

The legislation under which the New South Wales Crime Commission carries out its controlled operations is very similar to the laws we are debating today. In fact, with one exception, they are tighter and more restrictive on the law enforcement body than the amendments that the ACT government is proposing.

Under New South Wales legislation, an operation can only be approved if it will not foreseeably involve conduct which, among other things, seriously endangers the health or safety of any person. Under the ACT's proposed legislation, the word "seriously" has been omitted; so an operation can only be approved if it is foreseen that it will involve conduct which will merely endanger the health or safety of any person.

While I welcome the sentiment, I do not know how realistic this is. I would have thought that some possibility of harm to somebody would be reasonably foreseeable with any operations involving illegal drugs, guns, unscrupulous criminals, biker gangs and large sums of dirty money where the object is to obtain evidence intended to put those criminals behind bars.

The approach taken by the law enforcement agencies in operation Mocha was to argue that their research showed that there were no recorded deaths from cocaine use; so it could not be said that a controlled operation that resulted in the supply of cocaine would seriously endanger the health of any person. Yes, they really said that! From

media reporting, it seems that the AFP was aware of this reasoning and did not object to it. It would be interesting to ask ACT Policing whether its leaders now consider that cocaine use causes serious harm or indeed any health danger to users.

The government argues that the higher standard in our legislation would be workable, by drawing a distinction between the decision to authorise the controlled operation and the actual conduct of an operation where things could be far more likely to go pear shaped. It remains to be seen whether this distinction can be maintained in practice. Certainly, it is difficult to imagine a credible argument that operations involving the supply of drugs or guns to criminal gangs might not involve a foreseeable risk of harm.

In New South Wales, under section 21 of the Law Enforcement (Controlled Operations) Act 1997, the police must inform the Ombudsman within 21 days of granting an authority or of receiving a report on the conduct of an authorised operation. The ACT is relying on the Ombudsman to ensure that these controlled operations do not get out of hand, but this reliance is misplaced.

For a start, under our legislation, there is no obligation on ACT Policing similar to that in New South Wales to inform the Ombudsman within set time periods about controlled operations. Second, the Ombudsman has a practice of not inquiring into any operation that is currently underway. Third, the Ombudsman can only look at existing ACT Policing files. Fourth, it is highly unlikely that corrupt police officers are going to create and leave incriminating evidence lying around in police filing cabinets. Fifth, even if the Ombudsman does suspect corruption, he has ineffectual powers to undertake his own investigations. Sixth, the legislation only provides that the Ombudsman must make a report, prepared under the Annual Reports Act, once a year on his inspections regarding controlled operations. This is hardly the level of oversight that these serious new powers demand.

The only body which oversees our police force and which has any independence or power to undertake effective investigation is the Australian Commission for Law Enforcement Integrity, or ACLEI, which is tasked with oversighting all federal law enforcement agencies. As far as I am aware, the ACT has no formal input and probably no influence whatsoever on the operations and agenda of ACLEI. ACLEI already does not have anywhere near enough resources to adequately fulfil its wide-ranging responsibilities.

The former heard of ACLEI said the body needed a 10-fold increase in investigation staff and substantial extra funding to be effective. Given this state of affairs, it is hard to imagine that the operations of the ACT Policing branch of the AFP would attract much attention. I am yet to hear the Attorney-General adequately justify his faith in ACLEI to oversight ACT Policing and the Australian Crime Commission. At the SCAG meetings that oversaw the drafting of these laws, he should have insisted that oversight of ACT Policing received a dedicated share of ACLEI's budget and that the ACT government have a statutory role in the functions of ACLEI.

Christopher Pyne, the shadow minister for justice and border protection, has said, "The 2008 budget shows that ACLEI's activities are being crippled by underfunding.

wiretapping and covert operations essential to root out corruption." Let me reiterate: I am not satisfied that ACLEI can provide the level of oversight which ACT Policing and the ACT electorate deserve.

This is what the ALP's own Wayne Sievers, one of its candidates in this year's ACT Legislative Assembly election, has to say on his website:

> Organisations such as the AFP now have so much unaccountable power that oversight is needed to protect the democratic rights of people.

Mr Sievers advocates a new national anti-corruption body which would answer to a panel of judges rather than a government appointee. According to his website, Mr Sievers briefly worked with Mark Standen in the AFP Sydney's drug unit in the 1980s and believes that corrupt federal officers like Mark Standen were allowed to leave quietly in the mid-1990s rather than face investigation.

He says that, while he worked with the AFP, he was once offered an envelope stuffed with cash by his senior sergeant and told it was his share of the take from the search warrant. Sievers says that, after making a complaint to a more senior officer, he was immediately punished by a transfer to an non-operational area. It is obvious from the way in which this bribe was offered to Mr Sievers, and the way in which he was subsequently ostracised, that it was not an isolated incident.

The Wood royal commission in 1997 disclosed major corruption in the AFP drug unit, and the subsequent Harrison report named dozens of law enforcement officers, including AFP officers, who were subsequently sacked, but most of the report was kept secret, so we still do not know the extent to which the corruption permeated our law enforcement agencies.

I raise these facts because in this place there is always a tendency to try to score political points by being seen to be standing shoulder to shoulder with our police officers and to launch personal attacks on anyone who might raise legitimate points of concern about their effectiveness and probity. This mindless knee-jerk populism seems to occur regardless of factual reality and regardless of whether such one-eyed blustering serves the interest of the broad AFP community who are honest and hardworking and who do not deserve to be tarnished by being associated with those very few corrupt officers who are able to hide in their midst, thanks to the smokescreen created by the very politicians who pretend to be protecting them.

If anyone here feels like doing the same today, I would like them to first address these facts because that is what they are—facts—and explain why we should not be concerned about handing over even more powers without seeking or receiving any reassurance that these proven systemic problems have been resolved. This is what Justice Brennan said about controlled operations in the High Court case Ridgeway v the Queen:

> It is manifest that there will be anomalies, if not corruption, in the conduct of such operations in the absence of adequate supervision. But provisions of that kind cannot be prescribed by courts; they are appropriate matters for consideration by the Parliament.

I have not read or heard any substantial consideration by the government or the opposition regarding the lack of adequate supervision over the Australian Crime Commission and ACT Policing to whom we are entrusting these new powers.

George Williams, professor of public law at the University of New South Wales, notes:

> Over recent years the AFP has exploded in numbers and responsibility.

He goes onto say:

> Dedicated parliamentary oversight is needed for law-enforcement agencies.

I agree with him. There should be at least an Assembly committee with realistic powers to oversight our own police force. Perhaps a future ACT government will see fit to lobby the federal government to grant them the powers necessary to effectively manage the public servants who enforce the laws that we make.

I echo the concerns raised by the Families and Friends of Drug Law Reform that these powers could lead to more drug users as opposed to drug dealers and financiers being drawn into the criminal justice system. I also share their concern that these kinds of operations could result in the entrapment of drug users or small-time users and dealers who deal drugs to support their habit, by inducing them to commit crimes which are more serious than they might otherwise have contemplated and committed.

The arrest and conviction statistics for the percentage of dealers and users arrested and convicted make depressing reading. The conviction rate for the so-called Mr Bigs is very low. The powers in this bill have been justified as being necessary to catch the Mr Bigs and the organised crime gangs. Their effectiveness remains to be seen and will be measured by the impact they have on organised crime, the conviction rate of the Mr Bigs and the availability of drugs on the street.

It is disappointing that there is no statutory evaluation period for this legislation. I urge the government to remain vigilant that these powers are not abused and to ensure that they are not used for entrapment purposes or to incite people to commit crimes which would otherwise not have occurred.

MR MULCAHY (Molonglo) (6.13): This is a difficult bill, as it raises an area of law which is replete with serious pitfalls and dangers. It is an area in which we must tread very carefully so as not to undermine our police system and our legal system, both of which are central to having a safe, law-abiding community.

Controlled operations by police are a contentious issue, and for good reason. There is always a great danger involved in providing anyone, even a qualified police officer, with immunity from prosecution for breaking the law, since police involvement in a criminal operation always raises some danger of entrapment or other abuse of power. Historically, we have seen instances of entrapment and corruption in cases where police have been given excessive powers, and these give us pause in granting special powers or immunities to police.

An interesting case occurred during the prohibition era in the United States. In 1930, a factory worker in North Carolina was convicted of supplying liquor under the National Prohibition Act after an undercover officer posed as a fellow war veteran and gradually wore him down by repeatedly entreating him to try to get his fellow soldier some liquor. The case ended up going to the United States Supreme Court in the case Sorrells v United States, where the justices unanimously recognised entrapment as a defence against prosecution and reversed the man's conviction. This kind of case and many others show us the dangers that can occur when police officers, perhaps even through over-zealously undertaking their duties, are involved undercover in criminal conduct.

Of course, controlled criminal operations are often a necessary part of breaking organised crime activities, and some provision must be made to ensure that police can operate in an effective way. In order to deal with organised criminal activities, undercover officers often have to infiltrate groups and convince those groups that they are participating as fellow criminals.

In this role, it would be virtually impossible to maintain one's cover and to avoid breaking any aspect of the law. The very nature of the activity means that one is associated with habitual law breakers and is attempting to earn their trust as a fellow conspirator. This is certainly a difficult and dangerous job, and I would not want to see the brave men and women who operate as undercover police smeared by instances of abuse of power that have occurred in the past. I know Dr Foskey has dwelt on those, but I think the examples are probably heavily outweighed by the good work done by most.

Officers working in this environment need to have their minds on the job, without anxiety about whether they themselves may be the subject of prosecution. However, there must be strict limits imposed to ensure that any special powers are not abused and to ensure that police do not become so central to a criminal operation that they may in fact be entrapping others into criminal conduct that they would not otherwise have committed. This is a balancing act, and a fine one at that.

The main effect of this bill is that it establishes a statutory system to allow for the authorisation and conduct of controlled operations in which police officers are given authorisation to commit crimes in the course of their investigations. The bill provides protection to officers from prosecution for crimes committed in the course of an authorised controlled operation, other than for offences likely to cause death, serious injury or a sexual assault against a person.

The bill requires courts, in deciding on the admissibility of evidence, to disregard the fact that evidence was obtained as the result of engaging in criminal activity if the participant is part of a controlled operation. This provision still allows a court the discretion to exclude evidence or stay proceedings on the grounds of justice, such as in cases of entrapment or incitement of a crime by police. The bill is part of a model law developed at federal level to deal with controlled operations.

The statutory position proposed by this bill differs from the previous system in which officers relied on prosecutorial discretion and common law judicial discretion to avoid

prosecution for offences committed in the course of undercover operations. This bill gives officers greater certainty with regard to their legal position, and I think that this aspect of the proposal is most welcome.

I will say for the record that I have some serious reservations about this bill, and I will be watching carefully to make sure that any special powers granted to police are used in a fair manner, to the extent one can from where we sit. I think we need to tread very carefully in the authorisation provisions and in deciding what level of detail and disclosure are required in order for an officer to be authorised to perform illegal acts in the course of a controlled operation.

On the one hand, undercover officers in controlled criminal operations need some flexibility and spontaneity in dealing with criminal elements. However, on the other hand, we also need to make sure that this system does not simply give carte blanche powers to officers. I will be supporting this bill, although, as I have said, I have some reservations about the powers it grants, and I will be watching carefully to make sure that the power is used appropriately. I will conclude on that note, Mr Speaker, and leave it at that.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (6.19), in reply: In closing the debate, I would like to sum up the three key elements of this bill and address some concerns raised by Dr Foskey about it.

The bill has three components to it: a framework for deciding to authorise a controlled operation; provisions that authorise unlawful conduct in limited circumstances; and a comprehensive set of provisions for reporting and accountability. The first component of the bill is that it creates a clear and accountable framework for deciding whether a controlled operation is warranted and whether the proposed operation meets the grounds for managing an operation set out in the bill.

A controlled operation can only be authorised if the offences involved carry a penalty of three years imprisonment or more; if the nature of the criminal activity warrants a controlled operation; if any unlawful conduct by those authorised to engage in the controlled operation is kept to a minimum necessary; if the operation will not result in greater distribution of illicit material than necessary; and if the operation can be accounted for under reporting requirements set out in the bill.

The chief officer deciding on the proposed controlled operation may also set any conditions on the conduct of the operation. If authorisation is given, the authorisation must be set out in a written form as prescribed by the bill. The written authority for the operation includes identifying each person authorised to engage in controlled conduct and articulating the nature of the conduct authorised for the operation.

The second component of the bill is the lawful authority to engage in unlawful conduct within the boundaries of the decision to authorise a controlled operation. Protection from criminal or civil liability only applies if the conduct falls within the authority provided for the operation; if the conduct does not amount to inducing a person to commit an offence; and if the conduct does not involve the risk of causing death or serious injury, or the commission of offences against the person of a sexual nature. For any participants who are not law enforcement officers, the protection is

also displaced if the participant does not act in accordance with the instructions of the law enforcement officer managing the participant's conduct.

The third component of the bill is the accountability of each and every controlled operation. Within two months after the completion of every controlled operation, the officer in charge of the operation must provide the chief officer with a report about the operation. The report must articulate the nature of the controlled conduct exercised during the operation, details of the outcome, the nature, quantity and transmission of any illicit goods involved and details of any personal injuries or damage to property occurring as a direct result of the operation.

The chief officer, in turn, must provide my office and me—or the appropriate minister—with a report every year which includes: reporting on the number of operations authorised; the criminal activities targeted by the operations; the nature of the controlled conduct used in the operations; the nature, quantity and transmission of any illicit goods involved; details of any personal injuries or damage to property occurring as a direct result of the operation; and any arrests and prosecutions arising from the operations. In turn, the responsible minister must table a copy of the report in the Assembly within 15 days of receipt.

The chief officer, in addition, must register every application made under the bill, every authorisation made under the bill and details of the completion of every operation. The bill also empowers the Ombudsman to inspect the records made under the bill and requires the chief officer to give the Ombudsman any assistance required by them. In summary, the overarching theme of the bill is accountability and clear lines of authority to engage in a controlled operation.

I note Dr Foskey has said that she is concerned that the bill will aid corruption. I do not see the logic in her argument. Having a statutory framework for controlled operations improves accountability and in fact makes it harder for corruption to occur. Dr Foskey went on to say that we cannot even trust organisations such as the Australian Commission for Law Enforcement Integrity, which is a commonwealth body empowered to prevent, detect and investigate corruption in the Australian Federal Police. Indeed, it would appear that Dr Foskey was not even aware of ACLEI's existence until I responded to her initial claims about this bill in the media in the last week. ACLEI's jurisdiction explicitly covers ACT Policing.

I note that Dr Foskey has also criticised the ability of the Ombudsman to oversight police conduct when it comes to controlled operations. I again reject this assertion. The ACT Ombudsman's office, which is an office of the Commonwealth Ombudsman, has shown itself to be highly capable and professional in identifying misconduct on the part of Australian Federal Police officers within ACT Policing and to scrutinise, report on and highlight any inadequacies in the conduct of police officers in their duties. I would draw to your attention, Mr Speaker, and to Dr Foskey's attention, reports such as those made into abuses in the watch-house, released last year. I would also draw to Dr Foskey's attention numerous other reports by the Ombudsman, highlighting inadequacies and highlighting the police response to those. In short, we have a strong oversight mechanism in place.

I will talk further on the issue of corruption. This seems to be Dr Foskey's main concern. It is a legitimate concern, but it is one that I do not feel she has been able to substantiate as a rationale for opposing this legislation. The Australian Commission for Law Enforcement Integrity, and the Integrity Commissioner, were established by the commonwealth Law Enforcement Integrity Commissioner Act 2006. "Corruption" is defined in the act as three kinds of activity: an abuse of office; conduct that perverts the course of justice; or corruption of any other kind. This definition would cover any potential abuse of the bill we are considering today.

The commonwealth law is an appropriate protection against corruption. I have absolute confidence in the integrity of the Integrity Commissioner, Mr Moss, and the powers granted to him. I also have confidence that, should Mr Moss identify the requirement for further powers to be granted to him, or further resources to be provided, those matters would be seriously considered by the commonwealth government. Indeed, in my discussions with the Minister for Home Affairs and the minister responsible for ACLEI, Mr Debus, it is clear to me that the commonwealth is seriously considering these matters.

Most concerning for me, though, is that there is a perception that a controlled operation is conducted with little management and that it gives police carte blanche to break the law in the pursuit of organised crime. This is simply not the case. Any operation conducted by ACT Policing, especially controlled operations, are subject to risk management assessment. That risk management assessment informs the planning of the operation and may determine that the proposed operation is simply not an acceptable risk to take. As an operation unfolds, any intelligence gleaned also informs whether the operation should continue, be modified, abandoned or proceed to an overt phase.

This bill will empower police to involve themselves covertly in organised crime, under strict operational control, to gain evidence and intelligence about criminal behaviour. As I said previously, a controlled operation can only be authorised by the highest ranks in ACT Policing or the Australian Crime Commission and may only be carried out in strict accordance with the details of the formal authority issued for its operation.

The bill is an important part of modernising the territory's criminal investigation laws. It follows a carefully considered national model. The bill will help to prevent entrapment, not encourage it. The bill will help to prevent corruption, not foster it. And the bill will help the police to do their job in a modern way, not hinder them. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Housing Assistance Amendment Bill 2008
Detail stage

Clause 1.

Debate resumed from 3 July 2008.

Clause 1 agreed to.

Clause 2.

DR FOSKEY (Molonglo) (6.29): I move amendment No 1 circulated in my name *[see schedule 1 at page 3113]*.

This amendment changes the commencement period of the bill so that it is not required to start by February. My concern is that there are a number of disallowable guidelines and standards in this bill. I am delighted that they are disallowable, as it provides for much better scrutiny and accountability. The key instruments in this context are the intervention guidelines. These guidelines are to be developed in consultation with community partners and tenants, I understand, or at least tenant representative groups.

Consultation embraces a range of sins. I would be concerned if the pressure of getting this legislation up and running led to a truncated consultation process. In this context, a better word should be "negotiation", as I believe the community sector needs to be behind the intervention guidelines if they are going to work. I was somewhat reassured when advised by the government that the consultation will commence in September 2008 and will continue through the caretaker period. The registration process will not commence until the necessary subordinate legislation has been developed. What I have not heard is any reassurance that the consultation process will be respectful and even-handed.

Of course, the months of December and January are pretty well useless when it comes to negotiation, so starting in September and running through to November is about the least we could expect. I know that extending the default commencement period does not do much to provide for that respect, but it would make the point that, if more time to sort out details is needed, then the default commencement date could not be used to rush the process. I commend my amendment to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (6.31): The opposition will be supporting this amendment. The regime is new and, therefore, untested. We support the principle that Dr Foskey has expressed. The government needs time to develop some of the complex new rules, for example, standards, monitoring guidelines and intervention guidelines. As Dr Foskey has mentioned, a six-month start-up time will straddle Christmas and the holiday season, therefore limiting time to get the details right and consult the sector. Government officials have said there will be no exposure draft of the subordinate instruments before the end of the August sitting, so a six-month start-up would see the scheme take full effect before parliament comes back to sit again.

The scope of parliamentary scrutiny would be greater if there was a 12-month window for full start-up of the legislation and its subordinate instruments. The government claims it is not looking to radically change provider numbers in the first year. If so, there is no need to rush the legislation in to full start-up within six months. We believe there is no harm in giving the government that 12 months to get it right, and presumably it can still start earlier. If it gets done satisfactorily, then it could start earlier. We certainly believe this a reasonable amendment which will give the government the time it needs to make sure it gets it right.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6.33): The government will not be agreeing to this amendment. It has got to be understood that registration cannot occur until the subordinate legislation is done. As with other parts of the housing portfolio, we do not do anything in the way of subordinate legislation without consulting those people affected. We have done that on numerous occasions before.

Our issue with this amendment is that the legislation can quite happily commence, but it will have absolutely no effect at all until people are registered in the context of that. They cannot become registered unless the subordinate legislation is in place. It is not as though this consultation process will encompass an extensive list of stakeholders. The stakeholder list is comparatively small, and I have all the confidence in the world that the consultation process will be effective.

Amendment negatived.

Clause 2 agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6.34): I will be opposing this clause.

DR FOSKEY (Molonglo) (6.35): This amendment ensures that the controls that currently exist over approved housing assistance programs will still apply to programs that fund the activities of community and affordable housing providers under part 4A.

MR SPEAKER: Dr Foskey, we are debating clause 6, and Mr Hargreaves has indicated that he will oppose it.

DR FOSKEY: He is opposing clause 6, and I am agreeing with his amendment, which I am speaking to.

MR SPEAKER: Thank you.

DR FOSKEY: It would seem to me that clause 6, which this amendment omits, was an error which might have resulted in housing programs not being governed by the

coherent regime already in place under the existing act or being governed or managed in an ad hoc manner. Opposition to this clause is sensible.

Clause 6 negatived.

Clause 7 agreed to.

Clause 8.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6.36): I move amendment No 2 circulated in my name *[see schedule 2 at page 3114]*. I also present a supplementary explanatory statement to the government amendments.

The Housing Assistance Amendment Bill 2008 establishes a registered framework for not-for-profit housing providers, and at the appropriate time I will move some amendments that were circulated to members yesterday.

Since we first debated the bill, I have arranged further discussions with representatives from the opposition and crossbenches of the Assembly, and I have received written feedback from a number of community agencies. I have also arranged for briefings of interested stakeholders by the department and members of my staff. These discussions have included agencies such as ACTCOSS, ACT Shelter, CHC Affordable Housing, Havelock Housing Association, TAS Housing, ECHO Housing, the Tenants Union, and the ACT and Region Chamber of Commerce and Industry. I welcome the comments from ACT Shelter and from Ara Creswell of ACTCOSS that they were very satisfied with the process that we have put in train. If the Assembly would like, I can table evidence to that effect. However, in the interests of time, I will not.

I am pleased to say that the government will adopt a number of positive and worthwhile suggestions that have arisen from both the written material received from and the discussions that have been held with community agencies. These discussions have also been useful in clarifying a number of other issues raised by community agencies. For example, I can assure the Assembly that the bill does not seek to regulate supported accommodation services, such as those provided by homelessness services. In addition, a minimum cap of 10 residential properties was included to ensure that very small agencies managing only one to two properties are not incorporated within a regulatory system.

I advise the Assembly that the government amendments will provide greater clarification of the exercise of the powers of the Commissioner for Housing, enhanced opportunities for appeals and external review, and greater oversight by the Legislative Assembly through the ability to disallow important subordinate legislation. We will discuss these as we go along.

The government is amending clause 8 in line with suggestions made by those people who have taken part in the consultation process. The government will further amend section 25A to confirm that the commissioner's ability to place conditions on the registration of a provider is appealable. Conditions on a registration may relate to such

issues as a provider's ability to meet standards or other criteria at the time of registration. For example, a provider may be given a time frame in which to meet the standards or other criteria.

DR FOSKEY (Molonglo) (6:39): This amendment makes it clear that registration of affordable and community housing providers is on application. In essence, it corrects a bit of loose drafting which might have had unforeseen consequences. I will be supporting it. This is the first of several meaningful amendments which the government is making, and we should acknowledge what this represents. Since the minister agreed to adjourn debate of this bill last month, community housing providers and peak groups developed a detailed response to the bill as drafted, and departmental staff met with them to talk through the government's proposed amendments in response. I have to say that this is a very good outcome.

A fairly respectful dialogue is leading, I believe, to much better legislation. You have to ask why the minister or the department did not ensure they got this feedback before the 11th hour. I know that the government argues that there was consultation on the bill in November last year and that therefore the providers should have been on the lookout for the bill when it was introduced in May, should have combed the legislation register regularly to catch it when it appeared and should not have been surprised when my office contacted them in July to ask for their views on the bill. I think those are facile excuses, and that approach is far too cavalier when working with community partners.

I had thought, in fact, that the government would have sent those few providers a draft of the bill in order to seek their specific responses—suggestions it has now taken in these amendments—ahead of tabling the bill in May. Even the simplest action, such as putting out a four-line media release when the bill was tabled or emailing a link to the bill to the five or so providers whose operations this bill would directly affect just now listed by the minister, would have demonstrated to tenants and the providers some interest from government. Anyway, after we dug around a bit and the providers themselves started voicing concerns, the minister did the right thing. Since then we have moved forward, thankfully. Perhaps future governments might learn an easy lesson from this sequence of events and build ongoing engagement with their community partners into their legislative process.

MR SESELJA (Molonglo—Leader of the Opposition) (6:41): We will support this amendment. This amendment clarifies that the registration of a provider cannot be done without their permission. I understand this is a concern raised by providers, so we are pleased to see the amendment. We do not think it would be reasonable for the government to rope in providers which wanted to operate outside government funding and regulation.

In relation to the points raised by the minister and Dr Foskey, I agree broadly with what Dr Foskey said. How this was handled initially was less than ideal. Providers should have been more thoroughly consulted. I spoke with a provider on the Monday before the bill was initially debated in June, and they had no awareness of it. I was just meeting with them by chance on another issue. Clearly, it was not handled very well at the start. I certainly raised a number of issues in my speech in the Assembly in June. However, having got it wrong in the first place, this minister has shown a

capacity that perhaps some of his colleagues do not share—that is, an ability to admit that he has got it wrong and to actually rectify it. I commend the minister for that, and I commend him for undertaking consultation and for listening to what the opposition, the Greens and, indeed, the sector have been saying to him. That is why we are very grateful to see these important amendments.

Amendment agreed to.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6:43): I move amendment No 3 circulated in my name *[see schedule 2 at page 3114]*.

This is a minor amendment to be made to section 25C to allow communication by electronic means in addition to fax. This picks up what Mr Seselja's amendment was trying to achieve. I will not be supporting Mr Seselja's proposed amendment because we have already fixed it up, in my view.

But I cannot let such an amount of sanctimonious claptrap go by without a response. There was this absolute nonsense about lack of consultation. I do not refer to the Liberals in this particular instance; I refer to some other party in this chamber. What part of November last year don't people understand? The consultation process went on last year—last year. The people were consulted. The legislation was on the table. If the people in this chamber are not awake when items come forward and are presented, it is not my fault. I do not have to go around this place, rip the dummies out of people's mouths and wake them up. I do not have to do that. It is up to people and their own offices to work that out.

There was consultation. This consultation that has just occurred is the second round. I accept the plaudits and thank Mr Seselja for the goodwill that he has extended about this particular round of consultation. It was a genuine consultation round. We were quite happy to receive these suggestions, and we happily embraced most of them. We would have happily embraced most of them last November, but we did not because they were not there. I reject absolutely, and I am sick to death of, this sanctimonious claptrap about a lack of consultation process.

We have only 15 minutes left. We can continue this next time. I will get up and I will belt people if they continue this line about a lack of consultation. Be warned.

Amendment agreed to.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6:46): I move amendment No 4 circulated in my name *[see schedule 2 at page 3114]*.

The government will amend section 25F to remove section 25F (1) (f) as a registration criterion. This clause appeared to require that only a provider receiving a benefit from the government could be registered, although it made provision for the commissioner to make exceptions. Pretty obviously, all current providers receive such a benefit. Removing the clause means that new providers can apply for registration before they receive a benefit. Removal of the clause makes the purpose of the registration much clearer.

MR SESELJA (Molonglo—Leader of the Opposition) (6:47): With the indulgence of members, given that I did not speak on the last amendment, I will speak to why I brought that one forward. I am sure there will be no objection.

Mr Hargreaves: No.

MR SESELJA: Firstly, in terms of government amendment 3, we identified this as an anomaly and I am pleased to see the government respond to that. In relation to my proposed amendment 1, it would have looked at the fax requirements, given that fax machines are technology which is quickly being superseded by scanners and emails. We believe it would have done the job.

Going to government amendment 4, we support this amendment. I understand ACTCOSS requested this change. The amendment clarifies that registration as an affordable provider is not restricted to any of the existing providers which get ACT government funding, which I do not think would have been the intention of the original piece. This amendment permits the entry of new providers. We believe that that is what this bill should be geared towards—expanding the supply from new and innovative providers. Therefore, we support the amendment.

Amendment agreed to.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6:49): I move amendment No 5 circulated in my name *[see schedule 2 at page 3115]*.

The government will amend section 25G to confirm that property in section 25G (d) is defined to mean residential housing properties as recommended by ACTCOSS. This is consistent with the original drafting intention. It should be noted that this provision ensures that only those providers with 10 or more properties are subject to the legislation; small operators are excluded.

MR SESELJA (Molonglo—Leader of the Opposition) (6:49): We will be supporting this amendment. Once again, the providers have sought this change. It clarifies that we are not including commercial property—only residential. We have no problem; we will be supporting this amendment.

Amendment agreed to.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6:49): I move amendment No 6 circulated in my name *[see schedule 2 at page 3115]*.

This amendment to section 25I ensures that the instrument establishing a standard is a disallowable instrument subject to the usual scrutiny, including a possibility of review by the Assembly. It is one of the major planks that the Greens wanted inserted in this legislation, and we are happy to oblige.

DR FOSKEY (Molonglo) (6:50): As Mr Hargreaves said, this was an amendment that the Greens were very keen on having in the legislation. It is really good that the

government agrees. It is an important amendment because it makes the community housing standards a disallowable instrument.

As the next proposed new section in this bill specifies that community housing providers must comply with the standards, the precious proposition that such standards would be simply notifiable was inadequate. It may be government practice to develop documents such as these standards in consultation with tenants and community housing providers, but we cannot always guarantee that such a process would be respectful or exhaustive, or even occur at all. It could also be that such standards already exist; however, even a modification of such standards needs to be pursued in a collaborative and cooperative manner.

The opportunity of holding these standards to account that extra step, by moving to have them disallowed in this Assembly, is a guarantee, at least to some extent, of a more careful or rigorous approach.

MR SESELJA (Molonglo—Leader of the Opposition) (6:51): We will be supporting this amendment. We do support greater scrutiny; by providing for this to be a disallowable instrument, we believe that that will be achieved. Once again, providers have sought this change. We believe that the standards can have significant implications for the quality of the safeguard, flexibility for new entrants. These important rules should be subject to scrutiny and we support the amendment.

Amendment agreed to.

DR FOSKEY (Molonglo) (6:52): I move amendment No 2 circulated in my name *[see schedule 1 at page 3113]*.

This amendment separates the expectations of monitoring guidelines for affordable housing and community housing providers. The amendment does not limit the guidelines but provides some guidance for them. It picks up on concerns expressed to government that the rigour and strength needed to provide appropriate oversight of Canberra's large affordable housing business, whose charter is to use its resources—which are ACT government assets—as leverage to grow the supply of affordable housing, are of a different order than the oversight appropriate for a small community housing provider whose responsibilities are more tightly focused on tenant wellbeing and whose vision is less business based and expansive.

MR SESELJA (Molonglo—Leader of the Opposition) (6:53): We will be supporting this amendment. The Greens' amendment aligns the monitoring of guidelines more precisely than the separate risk criteria established for the two sets of providers—that is, the risk criteria for affordable providers set out by the government in 25F (2). These same criteria are not replicated by the government in relation to community providers under 25G. It does make sense for consistency between the two areas of the bill.

I note that once again the community providers have strongly argued for this change. Most community housing providers are already under rigorous regimes for accreditation and independent auditing every year. For instance, providers like Havelock Housing are accredited and regulated under the national community housing process.

The government indicated to us in private briefings that they see more risk in the affordable housing sector because it is an area that involves property development and all the attendant risks around speculation in land and cost control of construction prices. For that reason, we believe that Dr Foskey is correct in confining the more stringent scrutiny arrangements in the affordable housing sector. New South Wales and Victoria are increasing the community sector involvement. We believe that this is the right direction. I would be concerned if the ACT government became too heavy-handed and spooked some of the providers. If the government's obligations get too burdensome, providers may walk and potential entrants like multipurpose charities may be deterred. For those reasons we will be supporting Dr Foskey's amendment.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6:54): The government will not be supporting this amendment. The amendment would limit the scope of monitoring guidelines for community housing providers to compliance with their constitutions and compliance with standards. The commissioner may wish to monitor adherence to business plans or risk management strategies as part of the monitoring process; Dr Foskey's proposed amendment would prevent that.

Dr Foskey might like to know that it is the government's intention to develop separate and tailored monitoring guidelines for the two different tiers—affordable and community housing providers—which will ensure that the guidelines are appropriate for the activities being undertaken by providers in each tier.

Amendment negatived.

MR SESELJA (Molonglo—Leader of the Opposition) (6.55): I move amendment No 2 circulated in my name *[see schedule 3 at page 3115]*.

This amendment would amend 25N (2), which specifies what a provider must include in an annual report to the commissioner, to clarify that only the audited financial statements are required—not all accounts—and to clarify that disclosable contracts are limited to those involving housing arrangements with the ACT government.

ACT housing providers have sought an amendment along these lines as prepared by ACTCOSS and Softlaw Community Projects. The change clarifies that the financial statements sought are the provider's audited financial statements, not a copy of all financial statements and accounts held by the provider. Similarly, this clarifies that contractual maters to be reported to the commissioner mean those related to housing arrangements with the ACT government—for example, contracts relating to services provided to the commissioner. It would be intrusive for the annual disclosure to require details of any contract to which the provider is a party. I commend the amendment to the Assembly.

DR FOSKEY (Molonglo) (6.56): This amendment makes two small changes which seem to me to be very sensible and reflect comments made by community housing providers. I am not sure if we are addressing intent here, or simply issues of drafting. It seems reasonable to me for the commissioner to require the provision of audited accounts, but requiring more general access to any accounts and financial statements

appears a bit presumptive. Similarly, having access to or calling for a report on any matter required under any contract to which the provider is a party appears imperious and unnecessary, to say the least.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6.57): The government will be supporting the opposition's amendment here. It is quite clear that in the Leader of the Opposition's office there resides a former senior lawyer within the public sector somewhere. Obviously this particular piece of legislation has been examined by the keen eye of a senior lawyer from the public sector. I congratulate that particular senior lawyer for all of the work. We are happy to support the amendment.

Amendment agreed to.

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

Adjournment

Motion by **Mr Corbell** agreed to:

> That the Assembly do now adjourn.

The Assembly adjourned at 6.59 pm until Tuesday, 19 August 2008, at 10.30 am.

Schedules of amendments

Schedule 1

Housing Assistance Amendment Bill 2008

Amendments moved by Dr Foskey

1
Clause 2
Page 2, line 3—

omit clause 2, substitute

2 Commencement

(1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

(2) If this Act has not commenced within 12 months beginning on its notification day, it automatically commences on the first day after that period.

(3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

2
Clause 8
Proposed new section 25K (3)
Page 9, line 1—

omit proposed new section 25K (3), substitute

(3) Without limiting subsection (1), the monitoring guidelines may make provision in relation to—

(a) for affordable housing providers—

(i) compliance by a provider with the objects of the provider's constitution or rules; and

(ii) business planning; and

(iii) financial and risk management; and

(iv) service quality; and

(v) portfolio planning; and

(vi) procurement of properties; and

(vii) land, housing development and property management; and

(b) for community housing providers—

(i) compliance by a provider with the objects of the provider's constitution or rules; and

(ii) compliance by a provider with the standards for the provider.

Schedule 2

Housing Assistance Amendment Bill 2008

Amendments moved by the Minister for Housing

1
Clause 6
Page 3, line 1—

[oppose the clause]

2
Clause 8
Proposed new section 25A (1)
Page 3, line 16—

omit proposed new section 25A (1), substitute

(1) The housing commissioner may, on application, register an eligible entity as—

(a) an affordable housing provider; or

(b) a community housing provider.

Note If a form is approved under s 39 for this provision, the form must be used.

(1A) Registration may be subject to conditions.

3
Clause 8
Proposed new section 25C (2) (c)
Page 4, line 24—

after

numbers

insert

, and email address,

4
Clause 8
Proposed new section 25F (1) (f)
Page 6, line 12—

omit

5
Clause 8
Proposed new section 25G (d)
Page 7, line 10—

omit proposed new section 25G (d), substitute

(d) manages not less than 10 residential housing properties; and

6
Clause 8
Proposed new section 25I (3) and note
Page 8, line 8—

omit proposed new section 25I (3) and note, substitute

(3) A standard is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Schedule 3

Housing Assistance Amendment Bill 2008

Amendment moved by Mr Seselja

2
Clause 8
Proposed new section 25N (2) (c) and (d)
Page 10, line 16—

omit proposed new section 25N (2) (c) and (d), substitute

(c) the housing provider's audited financial statements; and

(d) any other matter required under a contract, to which the Territory and the provider are parties, that relates to housing arrangements.

Answers to questions

Alcohol—motor vehicle accidents (Question No 1987)

Mr Stefaniak asked the Attorney-General, upon notice, on 1 April 2008:

(1) How many motor vehicle accidents in the ACT involved alcohol in each of the 2001-02 to 2006-07 financial years and what was that number as a percentage of total motor vehicle accidents;

(2) How many people died as the result of alcohol-related motor vehicle accidents, either at the scene or following a period of hospitalisation in those years listed in part (1);

(3) How many people sustained serious injuries requiring more than three days in hospital as the result of alcohol-related motor vehicle accidents in those years listed in part (1);

(4) What was the average cost per alcohol-related motor vehicle accident for all relevant services provided by government for those listed in part (1);

(5) What psychological counselling services were provided by government for police, emergency, hospital and other relevant personnel who attended alcohol-related motor vehicle accidents and/or victims in those years listed in part (1) and what was the cost of those counselling services;

(6) What statistical data is gathered by police from people who return a positive reading in a random breath testing procedure;

(7) Is the data outlined in part (6) available publicly in an amalgamated format; if so, where; if not, why not;

(8) Are the names of convicted drink driving offenders published; if so, where; if not, why not.

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

(1) It is not possible to report either the total number of motor vehicle accidents or the percentage of those accidents involving alcohol for the years requested. Not all motor vehicle accidents in the ACT are reported to or attended by ACT Policing or other emergency services. For those accidents that are reported or attended, testing of all drivers for the presence of alcohol is not always practicable due to time delays and other factors.

(2) The number of people who died in the ACT as the result of a motor vehicle accident where the Coroner recorded a blood alcohol content is listed in the table below. It was not possible to compile the data to indicate which of these deaths occurred at the scene of the accident or following a period of hospitalisation.

Year	Number of deaths
2001-02	6
2002-03	0
2003-04	1
2004-05	2
2005-06	8
2006-07	4
2007-08	4

(3) See response (1) above.

(4) See response (1) above.

(5) ACT Policing employs a full-time psychologist to assist staff in a range of issues including exposure to trauma. In addition, ACT Policing employs two Welfare Officers and a Chaplain to provide support and advice to members and provides access to external support services through its Employee Assistance Program. The cost of these services is included within the allocation made to ACT Policing under its annual Purchase Agreement with the ACT Government. Additionally The Department of Justice and Community Safety has an Employee Assistance Program (EAP) that provides an independent and confidential counseling service for work-related or personal problem to which ACT Emergency Services Agency personnel have access. The EAP service is available to staff and their immediate families and provides free counseling. Critical Incident Stress Debriefing is also offered to groups of employees and individuals where there has been a traumatic incident at work. Counseling is provided by qualified professionals, including registered psychologists, social workers, career advisers and trainers. Clients are counseled in an informal, confidential and non-judgmental manner. Davidson Trahaire Corpsych are the EAP provider for the Department of Justice and Community Safety.

(6) Each time a breath analysis is conducted by police, certain statistical information is gathered. This is the case regardless of whether the person returns a positive result from the breath analysis. Police collect the person's name and details of age, gender, time and place of last drink, reasons for the screening test (accident, RBT, etc), whether the driver is subject to a .05/.02 limit and the reason for the special .02 category.

(7) This data is collected for identification and evidentiary purposes and is not reported in any aggregated form.

(8) In previous years the Canberra Times published the names of convicted drink drivers. It would appear this was provided as a community service by the Canberra Times. This practice ceased some years ago, mainly due to a number of errors resulting in Court action being taken.

The Court does not publish results of drink driving convictions or any other matters. They are, however, available from the Court. If a matter is heard in Court it can be reported on.

Sport—paintball
(Question No 2026)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 3 April 2008:

(1) In relation to granting authorisations to operate a paint pellet range in the Australian Capital Territory, specifically Notifiable Instrument NI2006-25 being the *Firearms (Paint Pellet Range) Authorisation 2006 (No. 1)* made under the *Firearms Regulation 1997*, subsection 46(1) (Paint Pellet Guns), how many businesses or individuals currently have authorisation under this notifiable instrument within the ACT;

(2) What names are these businesses or individuals operating under;

(3) How long have these businesses or individuals held this authorisation;

(4) Where are these businesses or individuals located;

(5) What criteria or conditions must be met before such authorisation is granted, and can the Minister detail the process of applying for authorisation, including any relationships that exist between the Australian Federal Police or the Department of Justice and Community Safety and other agencies or departments in assessing applications for Paintball authorisation;

(6) Under what circumstances would a Paintball operator's authorisation be repealed by the Minister and has he or his department, including previous police ministers, made a determination to repeal a paintball operator's authorisation; if so, what was the reason such determinations were made.

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

(1 – 4) Two entities are currently authorised under instruments published on the ACT Legislation Register.

(5) The prerequisites for authorisation including the role of the Registrar of Firearms are set out in section 46 of the Regulation.

(6) As mentioned in section 46 of the Legislation Act 2001, the power to make an instrument includes power to amend or repeal it. I am not aware of any authorisation having been repealed otherwise than possibly as a result of the operation of Chapter 9 of the *Legislation Act 2001* — Repeal and amendment of laws.

Children—protection
(Question No 2058)

Mrs Burke asked the Minister for Children and Young People, upon notice, on 6 May 2008 *(redirected to the Attorney-General)*:

(1) Has the ACT Government eroded the special protections afforded to children in the ACT, by removing their legally recognised status as being under a disability, under the Community Advocate Act, when this act was repealed and replaced with the *Public Advocate Act 2006*; if so, why;

(2) Can the Minister advise what has been the impact of removing this status to a child or young person to their human rights, and care and protection needs including their rights to due process and competent legal advocacy; if not, why not.

Mr Corbell: The questions of the Member for Molonglo are directed to the Minister for Children and Young People and relate to the provisions of the *Public Advocate Act 2005*. The Act comes under the responsibility of my portfolio. Hence, I am happy to provide the answer to the member's question as follows:

(1) No, the legal status of children has not changed because of the amendment.

The amendments made in the *Public Advocate Act 2005* were to clarify the Public Advocate's functions that relate to children and young persons and the functions that relate to people with a disability.

This change has not eroded the special protections afforded to children. The Public Advocate operates as a Children's Guardian (a role that exists in other jurisdictions, which has special monitoring responsibilities for children and young people in Care, or in the Youth Justice system), and thereby affords special protection to this particular group of children in the ACT. In addition, the ACT is now served by a Children and Young People Commissioner, appointed under the *Human Rights Commission Act 2005*, who is responsible for ensuring that the rights of all children and young people in the ACT are upheld.

The *Human Rights Act 2004* also upholds protection of the child. This right ensures that minors are entitled to special protection in recognition of their vulnerability because of their status as a child. The rights of the child are elaborated in the Convention on the Rights of the Child, which deals with the civil, political, social, economic and cultural rights of children in more detail. While recognising the importance of the family unit and the primary responsibility of parents for the development and welfare of the child, it is recognised that in certain circumstances the best interests of the child may require state intervention.

(2) The amendments do not change the legal status of children as having a legal disability under Territory law.

Crime—sexual offences (Question No 2059)

Mrs Burke asked the Minister for Police and Emergency Services, upon notice, on 6 May 2008 *(redirected to the Attorney-General)*:

(1) Have written guidelines for the investigation of sexual offences been developed and applied in ACT Policing; if so, how have these been applied and monitored by the ACT; if not, when will such guidelines be produced;

(2) How are these guidelines shared within the knowledge of inter-agencies integral to child protection in the ACT community;

(3) Has a code of practice, such that might be modeled on the Victoria code of practice for the Investigation of sexual assault, been developed by the Sexual Assault and Child

Abuse Team and ACT Policing, in consultation with the Forensic and Male Sexual Assault Care, the Child at Risk Health Unit, the ACT Director of Public Prosecutions, Canberra Rape Crisis Centre, Services Assisting Male Survivors of Sexual Assault, Victims of Crime counsellors, Richmond Fellowship and any other agencies, to cover all aspects of the investigation of offences, including victim care, taking of statements, collection of physical evidence, and timelines in the various categories of cases to guide the investigation of all sexual offences by ACT Policing; if not, why not and when will such a code be developed and implemented;

(4) What has been done to rectify the practice by the Sexual Assault and Child Abuse Team of referring inappropriate matters to the Director of Public Prosecutions for advice as to whether or not charges should be laid, (a) when the Sexual Assault and Child Abuse Team have not completed a full investigation, (b) where witnesses have not been questioned or (c) where the alleged offender has not been spoken to by police;

(5) What action has been taken by the Minister, given the disclosures and breaches of occupational health and safety contained in the Sexual Assault Response Project report, on pages 5, 53, 88 and 105;

(6) What procedures are in place today to ensure these foreseeable perversions of justice do not continue;

(7) What training has taken place between the Sexual Assault and Child Abuse Team and the Director of Public Prosecution to clarify roles and responsibilities to prevent role confusion and further harm to the victims as a result of these occupational health and safety breaches/confusions identified in the Sexual Assault Response Project report;

(8) How will the Minister educate the community to clarify the roles and responsibilities between the police and the Director of Public Prosecution when addressing sexual assault offences;

(9) When will this education be carried out;

(10) What steps have been taken to address the antiquated views on gender, reasonable prospects of a conviction and how it applies to sexual offences, corroborative evidence, assessing credibility, and intoxicated victims as existed within the Office of the Director of Public Prosecution, when giving advice and deciding to discontinue proceedings, to ensure best practice and the needs of the victim are appropriately addressed;

(11) What mechanisms are in place to ensure that the Director of Public Prosecution provides written advice and reasons to discontinue proceedings;

(12) Are these decisions monitored and or supervised by a senior prosecutor trained in child abuse and child development and experienced in successfully prosecuting cases in court;

(13) What training have the Director of Public Prosecutions' prosecutors and police been provided with to fully understand how to interview children and to be sensitive to their developmental needs, and how regularly is this training provided to public officials;

(14) What qualification, experience and training do these trainers have;

(15) What recommendations under the Responding to Sexual Assault Report 2005 or the former draft Sexual Assault Response Project report has the Minister implemented and which recommendations have not been implemented and why;

(16) What has the Minister done specifically to address the issues in relation to the unacceptable current two hour training on sexual offences for recruits on sensitively dealing with victims, and crime scene preservation;

(17) How has the Minister ensured that victim's rights to give evidence by closed circuit television are not compromised by prosecutors encouraging victims to give evidence in court;

(18) Has the ACT abolished committal hearings for victims of sexual assault crimes to structurally reduce the number of times they have to appear in court and to show greater sensitivity toward victims of child sexual assault as has occurred in other jurisdictions; if not, why not;

(19) Can the Minister provide the number of Protection Orders applied for by police to ensure victim care when bail conditions don't apply to adequately protect the victim; if not, why not;

(20) What arrangements have the Director of Public Prosecution and Sexual Assault and Child Abuse Team established to ensure a procedure is in place whereby constructive feedback can be provided at the conclusion of prosecutions;

(21) Do general duty police officers still investigate allegations of child sexual abuse as occurred historically; if not, how many additional officers have been employed in the Sexual Assault and Child Abuse Team and what specific training is provided to specialise in this area of policing;

(22) What training is provided to police officers to ensure appropriate understanding of childhood developmental needs when interviewing the witness/complainant of childhood crimes albeit sexual or physical abuse.

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

(1) The ACT Policing Practical Guide to Child Abuse and Sexual Offences has been in place since December 2004. This instrument outlines the requirements and responsibilities for members of ACT Policing at both a patrol and an investigative level.

Investigations conducted by the Sexual Assault and Child Abuse Team (SACAT) and ACT Policing members adhere to this guideline. Adherence is monitored by SACAT Team Leaders, and the managers of the ACT Policing Territory Investigations Group.

(2) The Practical Guide referred to at (1) above describes details of Police methodology. It would therefore be inappropriate to make this document widely available. However, ACT Policing has developed a number of Memoranda of Understanding (MOU) with external agencies integral to the protection of children. The Practical Guide reflects these MOUs.

Currently SACAT and other elements of ACT Policing have in place, or are developing, relevant MOUs with:

- Canberra Rape Crisis Centre (incorporating the Service Assisting Male Survivors of Sexual Assault),
- Forensic and Medical Sexual Assault Care,
- Child at Risk Health Unit
- The Office of Children, Youth and Family Support, (Child Protection Services/Family Services);
- The Director of Public Prosecutions; and
- Victim Services ACT.

(3) No. ACT Policing has developed MOUs with appropriate stakeholders which incorporate operational activities and ongoing dialogue in respect to specific matters as required.

Those Agencies involved in the Sexual Assault Reform Program (SARP) and Wraparound programs continue to work together to ensure victims' needs are satisfied.

(4) A representative of the Director of Public Prosecutions (DPP) meets with members of SACAT on average once a fortnight. This meeting performs a 'triage' function for sexual assault and child abuse investigations. It would be uncommon for a matter to be officially referred to the DPP without the matter being fully investigated or without the approval of this representative.

(5) I refer the member to my media release of 13 November 2007 in which I announced funding for a range of initiatives flowing from the SARP report.

(6) I refer the member to my media release of 13 November 2007 in which I announced funding for a range of initiatives flowing from the SARP report.

(7) See response to (4) above.

(8) I refer the member to my media release of 13 November 2007 in which I announced funding for a range of initiatives flowing from the SARP report, in particular my announcement regarding development of a multi-media victim information package.

(9) The information package referred to at (8) above will provide an ongoing resource for victims and their supporters.

(10) I refer the member to my media release of 13 November 2007 in which I announced funding for a range of initiatives flowing from the SARP report, in particular my announcement of funding for a law reform specialist to work with justice agencies to accelerate law reform in key areas.

(11) See response to (10) above.

(12) Decisions to discontinue prosecutions are made by the Director, Deputy Director or Assistant Director in accordance with the Prosecution Policy following advice from the prosecutors handling cases.

To date, prosecutors do not receive specific training in child abuse or child development but, generally prosecutors who prosecute cases of sexual assault and who are involved in the giving of advice on whether or not to continue or discontinue a prosecution, have a broad prosecutorial background.

However, there are training issues that it is intended to consider in the context of the SARP initiatives.

(13) Members of SACAT, and other members of the Territory Investigations Group receive a week-long training course addressing this issue. The *Interviewing of Children and Recording of Evidence* (ICARE) course is delivered as part of a three-week training course into the investigation of Sexual Offences. This course is open to all members of ACT Policing but specifically targets members working in SACAT.

Four members of SACAT have also completed a diploma in *Advanced Practice in Forensic Interviewing of Children*. It is intended that further members of SACAT will receive this training in the future.

One member of SACAT is currently studying to attain a Masters degree in Child Protection Investigation.

Through the SARP, all current training in child interviewing techniques is being reviewed.

(14) The ICARE training program is delivered by members of the Queensland Police Service that hold the diploma of Advanced Practice in Forensic Interviewing of Children. The trainers have extensive experience working in the child protection area of the Queensland Police and are considered to be the leaders in this field.

(15) I refer the member to my media release of 13 November 2007 in which I announced funding for a range of initiatives flowing from the SARP report.

(16) Decisions on the most appropriate balance of training for operational police are properly left to the Chief Police Officer in consultation with appropriate areas of the Australian Federal Police and other policing practitioners.

(17) The ACT Government recognises the importance of criminal trial reform and is in the process of reviewing existing practices, including exploring steps which can be taken toward the modernisation of committal procedures.

(18) See response to (17) above.

(19) To extract this particular subset of data would require manual checking of a large number of records and I am not prepared to authorise the use of the significant resources required for this task.

(20) See response to (2) and (4) above.

(21) Members of SACAT investigate historical cases of sexual assault and child abuse. These investigations are not handled by General Duties members other than the initial response and referral.

SACAT comprises two team leaders (Sergeants), two team members and a Family Services Liaison Officer/Operational Support Sergeant. No additional members have been engaged to specifically handle historical allegations of sexual assault. Members deployed to SACAT undergo specific training in respect to investigating sexual assault reports, this is in addition to their requirements to undertake training as investigators within the AFP

(22) This training is incorporated in the three week Sexual Offences Investigation Program and is addressed under the ICARE program.

Asbestos
(Question No 2064)

Dr Foskey asked the Attorney-General, upon notice, on 6 May 2008:

(1) What mechanisms are available to ACT residents to report asbestos, or suspected asbestos, on their property or the properties of their neighbours;

(2) What response is required from WorkCover when a report of asbestos, or suspected asbestos, is received;

(3) What mechanisms are available to ACT residents who have been exposed to asbestos, especially in situations where a report to WorkCover has been made but no action has been taken to safely remove the asbestos.

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

(1) ACT residents can report asbestos or suspected asbestos to The Office of Regulatory Services (ORS), WorkCover by calling the general inquires telephone number (62050200), or by sending an email (workcover@act.gov.au) or in person at Callam Offices, Easty Street, Phillip. It should be noted however that there is no obligation or requirements for the general public to report the presence of asbestos.

(2) ORS's role in relation to asbestos is exercised under the *Dangerous Substances Act 2004* (the DSA). The DSA places a general safety duty on everyone to take all reasonable steps to minimise the risks resulting from handling dangerous substances. Asbestos is a dangerous substance and handling includes possessing or being in custody or control of the substance.

While the use of all forms of asbestos has been banned nationally since 31 December 2003, the DSA does not require that asbestos be removed where it is present. I am advised that where it is in a bonded state and not degraded, asbestos does not pose a risk to health.

Inspectors have a range of powers that may be exercised where there is a suspicion of asbestos that may pose a risk to health and safety including gaining entry to the premises and seizure/removal of materials for sampling. Inspectors also have a variety of enforcement tools under the DSA including compliance agreements and enforceable undertakings which amount to an agreement to rectify a problem, improvement notices whereby an inspector issues a notice that requires certain measures to be undertaken, prohibition notices which are effectively stop work or do not disturb notices and court ordered injunctions.

(3) I am advised that if the asbestos is in good condition and not damaged or disturbed it does not pose a risk to health and safety. Asbestos is only a risk to health if asbestos fibres are released into the air and breathed in. The Office of Regulatory Services is not required to remove asbestos from residential homes. If an inspector is called to a location in response to a concern about asbestos and the materials are damaged or in

poor condition the inspector may use an enforcement tool outlined above in order to minimise the risk posed by the substance. Depending on the state of the asbestos and the risk it poses this may or may not include removal.

Generally, individual homeowners are required to arrange for appropriate maintenance or to have asbestos removed by a licensed asbestos removalist (refer to the ACTPLA website; www.actpla.act.gov.au). If, following an inspection, a resident is not satisfied with the outcome they are encouraged to call the ORS telephone number and discuss their concerns with an inspector.

Education—outdoor programs (Question No 2079)

Mr Mulcahy asked the Minister for Education and Training, upon notice, on 17 June 2008:

(1) Has the ACT Government considered implementing Outward Bound style outdoor programs in ACT government secondary schools;

(2) What outdoor programs currently exist in government schools;

(3) Will the Government consider providing funding for similar activities in government schools, in light of the existence of successful Outward Bound programs in non-government schools.

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

(1) Most ACT public high schools and colleges already implement outdoor education programs providing valuable outdoor experiences for students through excursions and camps. Also, the Birrigai Outdoor School delivers quality outdoor programs, for both ACT public and non-government schools, as well as corporate groups.

(2) A large range of outdoor education programs are currently offered in ACT public schools. These include snowboarding, caving, skiing, diving, climbing, bushwalking, snorkelling, canoeing, camping and high ropes. A number of schools and colleges offer the Duke of Edinburgh Award which requires students to journey in an unfamiliar environment, requiring determination, physical effort, perseverance and cooperation.

Birrigai Outdoor School offers outdoor programs in bushwalking, ropes courses, rock climbing and abseiling. Schools may choose to use the Birrigai Outdoor School or an approved provider, such as Outward Bound, to lead the provision of their outdoor education program.

ACT public primary schools implement outdoor education programs with a specific focus on environmental education. Programs offered by the Birrigai Outdoor School complement these programs and are regularly accessed by primary schools.

(3) ACT schools receive funding under School Based Management to address the education needs of students. Each school is responsible for determining the priorities for the use of this funding. Schools wanting to implement Outward Bound style programs are able to allocate funding to do so.

Mental health
(Question No 2081)

Dr Foskey asked the Minister for Health, upon notice, on 17 June 2008:

(1) What steps are being taken during the review of the Mental Health (Treatment and Care) Act to progress options for providing a legal framework for Mental Health Advanced Care Directions;

(2) Could the review work with the working group established by the Mental Health Consumer Network, the Carers Alliance and the Mental Health Community Coalition ACT (MHCCACT);

(3) When will the Advanced Agreement Alert be added to the Mental Health ACT database;

(4) Is any training being provided to Police and Emergency Services to look for the ICE (In Case of Emergency) number in mobile phones;

(5) What support is ACT Health providing to the Mental Health Consumer Network, the Carers Alliance and the MHCCACT to produce, print and market the Mental Health Crisis Card;

(6) Is it a fact that only clinicians can access the Advanced Agreement paperwork; if so, why.

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

(1) During the Review of the *Mental Health (Treatment and Care) Act 1994*, Mental Health Advanced Care Directions have been raised for discussion in both the Discussion Paper released in August 2006 and the Options Paper released in November 2007. The subsequent consultation periods received submissions and feedback from forums that advanced an understanding of Advanced Care Directions within the legal context. This information has been referred to the Review Advisory Committee to make recommendations to the Government regarding any future amendments to the Act. The Review Advisory Committee is made up of government and community sector mental health stakeholders and includes; Mental Health Consumer Network, Carer representatives, Mental Health Community Coalition ACT and the ACT Youth Coalition;

(2) The working group, referred to in your question, has organised community forums and panel discussions to advance understanding of Mental Health Advanced Care Directions during the Review consultation periods. The working group is represented in the Review Advisory Committee by the Mental Health Consumer Network, Carer representatives, and the Mental Health Community Coalition ACT;

(3) The issue of an Advanced Agreement Alert being included on the Mental Health database will be addressed when the current contract negotiations with the software provider, who supplies and maintains the database, have been finalised.

(4) The Police and ACT Emergency Services report that looking for the ICE number on mobile phones is not currently a specific element of their training. The ACT

Ambulance Service advises the ICE number does not yet have wide spread acceptance in Australia, however that officers are aware of the ICE number and have looked for it on occasions.

(5) ACT Health has not been approached by Mental Health Consumer Network, the Carer Alliance, and the Mental Health Community Coalition ACT to support this initiative.

(6) Only people authorised to access the Mental Health ACT database have direct access to the Mental Health ACT Advanced Agreement paperwork. This is because the Mental Health ACT database is also the medical record system for Mental Health ACT and hence access is limited as required by the *Health Records (Privacy and Access) Act* to hold securely peoples individual medical records. A mental health consumer may request a copy of their Advanced Agreement from Mental Health ACT if they do not already have a copy or have mislaid their own copy.

Building—bathroom design (Question No 2086)

Dr Foskey asked the Minister for Planning, upon notice, on 17 June 2008:

(1) What are the existing requirements for ventilation and natural light in bathrooms in (a) new free standing dwellings (including villas) and (b) new multi-residential dwellings;

(2) What will the requirements be for ventilation and natural light in bathrooms under the new Territory Plan and regulations.

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

(1) The requirements for natural lighting and ventilation are contained in the Building Code of Australia (BCA), Volume One and Two.

Free standing dwellings (Class One buildings) – BCA Volume Two

The BCA contains the following performance requirement for light in class one buildings (P2.4.4):

"a) a habitable room must be provided with windows so that natural light, when available, provides a level of illuminance appropriate to the function or use of that part of the building.

b) Artificial light must be installed to provide a level of illuminance appropriate to the function or use of the building to enable safe movement by occupants."

The performance requirement can be satisfied by complying with the 'acceptable construction practice' set out in Part 3.8.4 of the BCA.

Part 3.8.4 provides that natural lighting is only required for a habitable room which includes living areas and bedrooms. Natural lighting to these rooms must be provided with an aggregate light transmitting area of not less than 10% of the floor area which must be open to the sky or an open space.

For example, a room with a floor area of $20m^2$ must have an aggregate light transmitting area of at least $2m^2$. This would typically be a window.

Where natural lighting for a sanitary compartment, bathroom, shower room and the like is not available in accordance with this provision, artificial lighting to these rooms can be achieved by either having a minimum of 1 light per 16m2 of floor area or artificial lighting that is in accordance with AS/NZS 1680.

AS/NZS 1680 specifies the recommended illuminance or lighting levels for rooms according to their function and use.

The BCA contains the following performance requirement for ventilation in class one buildings (P2.4.5):
" a) A space within a building used by occupants must be provided with means of ventilation with outdoor air which will maintain adequate air quality.
b) A mechanical air-handling system installed in a building must control –
i) the circulation of objectionable odours; and
ii) the accumulation of harmful contamination by micro-organisms, pathogens and toxins.
c) Contaminated air must be disposed of in a manner which does not unduly create a nuisance or hazard to people in the building or other property"

The performance requirement can be satisfied by complying with the 'acceptable construction practice' set out in Part 3.8.5 of the BCA.

Part 3.8.5 provides that in a free standing dwelling ventilation to a bathroom, laundry or a sanitary compartment must be provided by either a window, a door, an openable skylight or a permanent opening where the aggregate opening size is not less than 5% of the floor area of the room that is required to be ventilated. Generally the window must be open to the exterior of the building.

Natural ventilation to a room may come through a window opening, ventilating door or other device from an adjoining room if –
i) the room to be ventilated is or the adjoining room is not a sanitary compartment; and
ii) the window opening door or other device has a ventilating area of not less than 5% of the floor area of the room to be ventilated; and
iii) the adjoining room has a window, opening, door or other device with a ventilating area not less than 5% of the combined floor areas of both rooms; and
iv) the ventilating areas specified may be reduced as appropriate if direct natural ventilation is provided from another source.

Where natural ventilation cannot be provided, an exhaust fan or other means of mechanical ventilation may be used to ventilate a sanitary compartment, laundry or a bathroom. The contaminated air must either:
i) exhaust to the outside air by way of ducts, or
ii) exhaust into a roof space if it is adequately ventilated by roof vents or where the roof space is covered with tiles without sarking or similar materials that would prevent venting.

A sanitary compartment cannot open directly into a kitchen or pantry unless-
i) access is by an airlock, hallway or other room, or
ii) the room containing the closet pan is provided with mechanical exhaust ventilation.

Multi unit residential dwellings (Class Two buildings) – BCA Volume One

The provision for light and ventilation for a Class Two dwelling are specified in Volume 2, Section F, Part F4 Light and Ventilation. The provisions for light and ventilation are similar to those for a Class One dwelling for artificial light and mechanical ventilation of bathrooms. Where natural ventilation is not provided, a mechanical ventilation or air conditioning system must be provided in accordance with AS/NZS 3666.1.

(2) Natural lighting and ventilation requirements are regulated under the *Building Act 2004* through the Building Code of Australia (BCA) and are presently as outlined in response to question 1

Planning—community amenities (Question No 2087)

Dr Foskey asked the Minister for Planning, upon notice, on 17 June 2008:

(1) Is the ACT Planning and Land Authority required to take into account the reduction of community amenities, for example the loss of community shops as at Giralang, when considering development applications;

(2) Does lack of adherence to this requirement provide a basis for ministerial intervention in the development approval process.

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

(1) Yes.

(2) N/A.

Alexander Maconochie Centre—kitchen (Question No 2088)

Mr Seselja asked the Attorney-General, upon notice, on 17 June 2008:

(1) How much (a) has been spent on or (b) is budgeted for the services of a kitchen consultant during the design, documentation and construction phase of the Alexander Maconochie Centre (AMC);

(2) What services does the kitchen consultant provide;

(3) What is the estimated itemised cost of providing kitchen facilities at the AMC.

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

1. No cost was involved.

2. Stuart Walsh, the Dean of the Catering Faculty at the Canberra Institute of Technology (CIT) provided verbal advice on the plans and the suitability of the kitchen facilities

for the provision of training in catering, at no cost. Mr Walsh was responsible for the fit-out of prison kitchens in Victoria.

3. The estimated cost of providing kitchen facilities at the AMC is in the order of $3.6m, including building and equipment. As the kitchen fit-out was included in the construction contract, no itemised cost is available.

Hospitals—Clare Holland House (Question No 2090)

Mrs Burke asked the Minister for Health, upon notice, on 17 June 2008:

(1) In what circumstances, apart from palliative care or end of life care, would a patent be transferred from the emergency department at (a) Calvary Public Hospital and (b) The Canberra Hospital to Clare Holland House;

(2) Is Clare Holland House used when there are no beds available at (a) Calvary Public Hospital and (b) The Canberra Hospital; if so, (c) under what circumstances and (d) can the Minister calculate how often this would occur each month;

(3) Are these transfers, for reasons apart from palliative care or end of life care, represented in the Minister's department's reports; if so, where; if not, why not;

(4) Do the operating rules of Clare Holland House permit it to be used to provide beds for non-palliative care and non-end of life patients from The Canberra Hospital and Calvary Public Hospital;

(5) Are non-palliative care and non-end of life patients sent to Clare Holland House more liable to be treated as palliative care and end of life patients;

(6) How many (a) patients who have entered Clare Holland House as non-palliative care and end of life patients died while at the hospital (b) complaints have been received from families of patients at Clare Holland House, (c) conciliations have been undertaken between patients' families and Clare Holland House in (i) 2005, (ii) 2006, (iii) 2007 and (iv) 2008 to date;

(7) What steps are taken by Clare Holland House to (a) explain to a patient and his or her family the purpose and nature of an admission to Clare Holland House, (b) ascertain who has power of attorney with respect to a patient and (c) ensure that the wishes of a person with power of attorney is acted upon;

(8) In what circumstances would the wishes of a person with power of attorney not be acted on with respect to a patient;

(9) Are there policy guidelines with respect to these issues and have they been implemented.

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

(1) Clare Holland House only accepts patients for palliative care or end of life care.

(2) No beds are used at Clare Holland House for purposes other than palliative care or end of life care.

(3) Not applicable.

(4) No.

(5) Not applicable.

(6) (a) Nil

(b) 2005 – 1; 2006 – 2; 2007 – 2; 2008 (to date) – 1

(c) In the period requested there has only been one episode where mediation and conciliation was conducted with a patient's family.

(7) (a) Patients may experience very different journeys on their way to Clare Holland House. For some people the likelihood of treatment at Clare Holland develops over a long time; for others it can be a rapid transition to palliative and end of life care. There is no formula applied to every patient as doing so would discount their own plans and preparation and would devalue the treatment pathway they have selected prior to this chapter of their life.

The most important explanation given to every patient at Clare Holland House is that they will be treated with respect and dignity by skilled professionals. The objective of the facility and the Clare Holland team is to make the limited time available to a palliative care or end of life patient a special time where they can engage with their family and friends.

(b) The details of any person with a power of attorney for a patient are required to be captured on the patient's admission documentation.

(c) The doctors and nurses at Clare Holland House develop a close relationship with patients and their family and the details of decision making persons and decision making processes are discussed and agreed at appropriate times along the patient journey.

(8) The circumstances where the wishes of a person with a power of attorney for a patient would not be acted on would be in the event that the patient for whom they held the power of attorney was of sound mind and determined a different decision or course of action to that favoured by the person holding the power of attorney, or if the person holding the power of attorney seeks a course of treatment or a medical process that does not conform to the Little Company of Mary Health Care values and ethical standards practiced by Calvary Health Care ACT, and/or Territory and Commonwealth legislation.

(9) The Calvary Health Care ACT Consent Policy which is based on legislation applies to patients in all Calvary Health Care facilities. These policies are followed at all Calvary facilities, and particular attention is paid to the policies at Clare Holland House.

Whilst Clare Holland House is exclusively an end-of-life and palliative care facility, the emphasis remains on living and achieving what the patient and family see as important. In that context it is vital that the appropriate decision making processes for the patient and their family are understood, agreed and enacted.

Industrial relations (Question No 2091)

Mr Stefaniak asked the Minister for Industrial Relations, upon notice, on 17 June 2008:

In relation to long service leave portability matters raised on 19 May 2008 by UnionsACT during hearings of the Select Committee on Estimates 2008-2009 (a) what is the Government's policy on the portability of long service leave and (b) has the Government responded to the 2006 community sector task force report on portability of long service leave; if so, where may that report be found; if not, why, and when will a response be drafted.

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

(a) The Government will continue to review the need for portable long service leave for the private sector on an industry by industry basis.

(b) The Chief Minister wrote to all members of the Community Sector Taskforce updating them on progress regarding implementation of the recommendations in the report – a copy of that letter is attached. The Chief Minister asked the Deputy Chief Minister to take the lead in relation to the ongoing sustainability of the ACT community services sector into the future, as Minister for Disability and Community Services and Minister for Health. I am participating in this process for those matters that relate to my portfolios. The Government's response to the report is also reflected through the funding allocated in the 2008-09 Budget to establish a portable long service leave scheme for the community sector.

(A copy of the attachment is available at the Chamber Support Office).

Industrial relations (Question No 2093)

Mr Stefaniak asked the Minister for Industrial Relations, upon notice, on 17 June 2008:

What is the Government's response to the recommendations of UnionsACT, relating to industrial relations matters, contained in its 2008-09 budget submission concerning (a) the establishment of an Office of the Workplace and Productivity Advocate to co-ordinate the ACT Government and community response to a number of issues impacting on the ACT workforce, (b) the recommendation that the ACT Government should be an exemplary employer with regard to occupational health and safety and to achieve this outcome all areas currently dealing with inspections, regulation, policy and compliance should be brought under one umbrella and properly resourced, (c) the recommendation that the Government should honour the commitment made to the community sector to implement a portable long service scheme to cover those workers employed in the non-government community sector as a means to addressing the burgeoning skills shortage in that industry, (d) that with respect to the last round of enterprise bargaining in the public sector, the Government needs to ensure that commitments given regarding wage increases, work loads and contracts are fully funded and implemented, (e) the recommendation that to

ensure the ongoing sustainability and equity of outcomes in the community sector, the Government should commence a wide ranging debate and consultation process with the community to bring about a consensus regarding future service levels, workforce development and funding, (f) the restoration of 15.4% employer superannuation contribution to ACT Public Sector employees engaged since the closure in 2006 of ACT Public Service employee access to the PSSap scheme, (g) the conduct of a review of current employment arrangements used by all ACT Government agencies and fund the development of entry level traineeships in a range of areas such as landscaping, road maintenance and parks management and (h) funding the provision of more affordable public parking spaces in Civic, Woden, Belconnen and Tuggeranong that offer the three for free option in order to encourage the use of public transport and to enable all workers to locate sufficient parking near their workplaces.

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

(a) While a similar service currently exists in all States and Territories except New South Wales, Tasmania and the ACT, these arrangements are being reassessed as the full implementation of all industrial relations changes in relation to Federal Labor's Forward with Fairness are expected to reduce the level of complexity and the accompanying need for advice.

I have indicated that the preferred position is for the Federal Government to enforce and educate in relation to their own legislation. The ACT will lobby the Federal Government for increased resources for its advisory bodies in order to seek increased response and service levels.

(b) I am responsible for work safety policy and legislation whereas inspection and regulatory services rests with the Attorney-General. This allocation of responsibility reflects the desired policy and operational/regulatory split evident through the transfer of ACT WorkCover to the Office of Regulatory Services (ORS) in the Department of Justice and Community Safety.

ORS brings together capability from across the government to undertake functions including licensing, registration, consumer and trader assistance, compliance, enforcement and education. ORS was created to provide simpler, clearer and more efficient organisational structures, scaled to the reality of a small city-state, and ready to support business. The Government considers that this structure will see the Territory better placed to go beyond the UnionsACT objective to 'be a leader in OHS compliance' by developing a strong compliance culture amongst all business in all areas of regulation. ORS has undertaken a number of combined regulatory activities, which have promoted work safety as well as business regulation and consumer protection.

The Government is driving OHS in the Territory through:

- release of an exposure draft of the Work Safety Bill 2008 to see the Territory better placed to be a leader in OHS regulation and better placed to adopt the model national law being developed under the auspices of COAG and the WRMC;
- the allocation of $1.74m in the recent budget to implement the Work Safety Bill 2008 and increase the number of OHS inspectors;
- dedicated resources in ORS to regulate and promote OHS;
- the retention of an independent OHS Commissioner as part of the establishment of ORS; and

- the commencement of the Occupational Health and Safety (General) Regulation 2007.

The Government is also committed to be an exemplar employer in relation to OHS. The management of public sector OHS has also seen structural reform in recent times through the establishment of Shared Services in the Department of Treasury. This assists in streamlining OHS management in the public sector and delivers service improvements and efficiencies. As an employer the Government is driving OHS improvements through:

- streamlined workplace safety and injury prevention (the Territory's 2008/09 Comcare premium has reduced by 3% from the previous year's result);
- implementation of a range of projects under the 'Safety First Program', including:
  - an early intervention physiotherapy program to provide free physiotherapy for ACTPS employees who have sustained work related injuries, and
  - training for all ACTPS return to work co-ordinators in Certificate IV Government (Injury Management Rehabilitation).

(c) The ACT Government has committed in the 2008-09 ACT Budget to implement a portable Long Service Leave Scheme for the ACT Community Sector which is to commence in the 2009-10 financial year. In 2008-09, the ACT Government will consult the community sector about the scope of the scheme.

(d) The ACT Government committed to a 4% salary increases for each of the three years of the 2007-2010 collective agreements. Two of these increases have been paid with the third due on 2 April 2009. ACT Government collective agreements contain clauses to ensure that there is an appropriate work-life balance. The ACT Government maintains its commitment to minimising the use of contractors and employing permanent public servants wherever possible.

(e) This recommendation relates to the portfolio responsibilities of the Minister for Disability and Community Services.

The ACT Government is also working with peak community groups to establish a clearinghouse of sector development and viability projects operating across the ACT community sector.

(f) The ACT Government did not agree to the restitution of employer superannuation contributions of 15.4% for employees engaged since the closure of the PSSap scheme in 2006. This decision was made in the interest of managing the Territory's long term superannuation liabilities.

(g) The Government continues to look for opportunities to promote entry-level recruitment to the ACTPS. In 2007-2008 ACT Government departments and agencies employed 36 apprentices and 226 trainees, as defined by Government Skills Australia. These positions are distributed across the ACTPS in a range of occupations. The 2008-09 Budget included additional entry-level recruitment of ICT trainees within Shared Services.

(h) This recommendation relates to the portfolio responsibilities of the Minister for Territory and Municipal Services.

Budget—industrial relations items (Question No 2094)

Mr Stefaniak asked the Minister for Industrial Relations, upon notice, on 17 June 2008:

(1) In relation to Budget Paper 4, page 34, Industrial Relations Policy, second dot point, (a) which consultative bodies are co-ordinated by the department, (b) what is the frequency of their meetings, (c) what are their terms of reference, (d) who are the participants in those bodies and (e) what does it cost to run the consultative bodies;

(2) In relation to Budget Paper 4, page 34, Industrial Relations Policy, third dot point, (a) how many cases of injuries to ACT public servants were managed in (i) 2005-06, (ii) 2006-07 and (iii) 2007-08, (b) what were the main types of injuries, (c) of those cases outline in part (a), how many in each year retired from work due to total and permanent incapacity, (d) for those who returned to work, what was the average return-to-work (full duties) period, (e) what was the total cost of workers' compensation insurance cover across the ACT Government for 2007-08, and the budget for 2008-09 and (f) what was the total value of workers compensation cover provided to injured ACT public servants in (i) 2005-06, (ii) 2006-07 and (iii) 2007-08.

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

(1) This question was asked and answered during the recent Budget Estimates hearings and the information that was provided to respond to this question is attached.

(2) The information to respond to many of the requirements of this specific question is not readily available as the ACT Government does not have a central injury case management database. The acquisition of such a database is the subject of a current procurement process and is expected to be purchased as part of the Safety First Program during this year. The whole-of-government database that is available only provides information relating to incident and accident notifications from which the following information has been extracted together with information provided from available Comcare records.

Number	Question on notice	2005-06	2006-07	2007-08
(2)(a)	Number of new compensation claims lodged for each year	870	775	496
(2)(b)	Main types of injuries sustained.	Body stressing 37%	Body stressing 41%	Body stressing 42%
		Slips, trips and falls of a person 21%	Slips, trips and falls of a person 19%	Slips, trips and falls of a person 21%
		Mental stress 12%	Mental Stress 12%	Mental Stress 8%
		Being hit by moving objects 11%	Being hit by moving objects 11%	Being hit by moving objects 15%

2(c)	How many retired due to total and permanent incapacity? (This data has been provided by Comcare and may not relate to the injuries outlined in the previous response. This data only relates to people who have retired through invalidity and also had an open compensation case. - ie this does not mean that all the invalidity retirees left their employment due to their work related injuries.)	10	19	11
2(d)	Average period of incapacity for each year. (ie absence from work due to each work related injury)	8.1 weeks	5.2 weeks	2.7 weeks
2(e)	Premium rate and amount paid each year.	3.08% $35,366,702	3.03% $34,980,719.50	2.74% $34,509,238.00
(2)(f)	Total claim costs for each year (ie total amount paid out each year for **all** outstanding claims)	$29,752,639	$29,119,179	$30,235,659

(2)(e) Advice has just been received that the Comcare premium for 2008/09 has been set at 2.66% of salary and wages, resulting in a premium payment of $35,335,000.

(*A copy of the attachment is available at the Chamber Support Office).*

Government—constituent representations (Question No 2097)

Mr Mulcahy asked the Chief Minister, upon notice, on 25 June 2008:

How many representations on behalf of constituents, in this term of the Legislative Assembly, have been made to Government Ministers by each non-Executive Member of the Assembly.

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

The table below is based on information provided by ACT Government agencies and only reflects written representations by Members that have been recorded on agencies' tracking systems.

Member	ACTPla	CMD	DET	DHCS	DT*	Health	JaCS	TaMS	Total
Wayne Berry MLA	25	64	11	15	1	7	0	84	**207**
Jacqui Burke MLA	22	23	7	144	1	37	20	52	**306**
Vicki Dunne MLA	6	4	24	8	0	3	6	84	**135**
Deb Foskey MLA	31	34	3	17	3	10	94	35	**227**
Mick Gentleman MLA	33	15	9	11	3	9	10	71	**161**
Karin MacDonald MLA	12	17	4	0	0	3	0	25	**61**
Richard Mulcahy MLA	127	72	71	21	98	145	85	470	**1,089**
Mary Porter MLA	143	106	114	59	61	86	183	903	**1,655**
Steve Pratt MLA	17	12	5	13	2	8	141	311	**509**
Zed Seselja MLA	25	14	2	1	1	2	30	40	**115**
Brendan Smyth MLA	2	14	1	6	4	52	15	24	**118**
Bill Stefaniak MLA	14	15	2	13	3	18	97	103	**265**

* DT unable to provide information relating to 2004 and 2005.

ACT Pathology
(Question No 2098)

Mr Mulcahy asked the Minister for Health, upon notice, on 25 June 2008:

(1) How is ACT Pathology structured, for example, is it a corporation, a section of the Canberra Hospital or other type of entity;

(2) Will she provide the financial statements for ACT Pathology and the notes for these statements (including these statements) for the last eight financial years, including the (a) operating statement, (b) balance sheet, (c) cash flow statement, (d) statement of changes in equity, (e) statement of income and expenses on behalf of the Territory, (f) statement of assets and liabilities on behalf of the Territory and (g) budgeted statement of cash flows on behalf of the Territory;

(3) What was the (a) rate of return on capital for ACT Pathology and (b) breakdown of staff by job title and FTE at ACT Pathology for the last eight financial years;

(4) How much did ACT Pathology spend on (a) staff salaries (including superannuation and other entitlements) and (b) consulting fees for the last eight financial years;

(5) What was the volume of pathology work processed by ACT Pathology broken down by category for the last eight financial years;

(6) What appropriations were made to ACT Pathology for the last eight financial years.

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

(1) ACT Pathology is a unit managed within Canberra Hospital.

(2) ACT Pathology does not keep separate financial statements. Its Financial Statements are incorporated into ACT Health's audited Financial Statements published each year in the Annual Report.

(3) (a) As outlined in the answer to (2) ACT Pathology does not keep separate financial statements. Accordingly the rate of return on capital for ACT Pathology is not calculated. (b) I am advised that ACT Pathology currently has the following breakdown of staff:

- 118.90 FTE health professional staff
- 33.32 FTE technology staff
- 29.95 FTE medical staff
- 26.86 FTE administrative staff
- 10.71 FTE nursing staff
- 6.06 FTE general service officer staff

ACT Health has advised that to provide this information for the previous 8 financial years would require an inordinate amount of work.

(4) (a) ACT Pathology spent the following on staff salaries:

2000-1	$10,068,000
2001-2	$10,453,000
2002-3	$12,776,000
2003-4	$14,776,000
2004-5	$17,398,000
2005-6	$18,629,000
2006-7	$20,105,000
2007-8	$20,835,000

(b) ACT Pathology spent the following on consulting fees:

2003-4	$0
2004-5	$1,000
2005-6	$6,000
2006-7	$4,000
2007-8	$5,000

2001 to 2003 data is not available as it has been archived.

(5) ACT Pathology provided the follow numbers of Occasions of Service:

2000-1	265651
2001-2	282913
2002-3	329800
2003-4	372913
2004-5	428810
2005-6	420475
2006-7	426723
2007-8	445380

The number of tests per occasion of service ranges for 1 to 12. ACT Health have advised that to break this down into categories would require an inordinate amount of work especially given that the question fails to define "categories".

(6) The appropriations made to ACT Pathology are as follows:

2000-1	$13,964,000
2001-2	$15,215,000
2002-3	$18,164,000
2003-4	$21,123,000
2004-5	$20,831,000
2005-6	$24,063,000
2006-7	$25,863,000
2007-8	$27,107,000

ACT Pathology
(Question No 2099)

Mr Mulcahy asked the Minister for Health, upon notice, on 25 June 2008:

(1) What safeguards are in place to ensure that ACT Pathology complies with ACT privacy law in dealing with patient information;

(2) Have there been any instances where ACT Pathology has given patient information to doctors in breach of ACT privacy laws over the past four years; if so, what happened in these instances, and what action has been taken to prevent breaches of ACT privacy laws.

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

(1) ACT Pathology is an accredited pathology laboratory under the standards determined by the National Pathology Accreditation Advisory Council (NPAAC). As such it fulfils all the requirements that are necessary under the standards required for the National Association of Testing Authorities/Royal College of Pathologists of Australiasia (NATA/RCPA) accreditation (Requirements for Information Communication 2007). This included substantial clauses concerning privacy principles to cover all jurisdictions in Australia.

(2) ACT Pathology is unaware of any breach of privacy laws in providing patient's information to doctors in breach of ACT Privacy Laws over the past four years. As required under NPAAC standards there is a record of all access to results (an audit trail). In ACT Pathology the audit trail is stored and shown on all results accessed electronically.

Kangaroo cull
(Question No 2101)

Mr Stefaniak asked the Minister for the Environment, Water and Climate Change, upon notice, on 25 June 2008:

(1) On what date did the cull of kangaroos at the Belconnen Naval Transmitting Station (a) start and (b) finish;

(2) During what hours were kangaroos killed throughout the cull period;

(3) Were any persons responsible for inspecting and ensuring the welfare of the kangaroos throughout the cull; if so, (a) who and (b) what were their qualifications; if not, why not;

(4) What percentage of the time referred to in part (2) were they present throughout the cull;

(5) What monitoring activities did they undertake;

(6) Were any security guards employed or contracted to be present during the period referred to in part (1); if so, (a) who and (b) what activities did they undertake; if not, why not;

(7) What drug or drugs were used to tranquilise the kangaroos during the cull;

(8) How did the person responsible for tranquilising the kangaroos adjust the (a) dosage rate of tranquiliser and (b) velocity of the tranquiliser gun to compensate for different kangaroo weights and sizes;

(9) What was the target area on the body of the kangaroos for the tranquilising darts;

(10) How many kangaroos were injured during the cull;

(11) What actions were taken and in what way were procedures changed or modified during the cull to avoid injury to or stress in the kangaroos, noting Dr Maxine Cooper's report into Belconnen Naval Transmission Station as part of the Investigation into ACT Lowlands Grasslands, in particular that the contractor will be required to address animal welfare concerns including stopping work immediately if the kangaroos become stressed and that there is to be a review of procedures if any kangaroos are injured during any stage of the procedure, and noting also that Michael Linke, the Chief Executive Officer for the RSPCA ACT has stated that kangaroos were injured during the cull;

(12) How many kangaroos were confined in pens at any given time;

(13) What was the maximum amount of time any one kangaroo was confined to pens and how was this monitored;

(14) What steps were taken to ensure penned kangaroos had access to adequate food and water;

(15) What steps were taken to provide shelter for the penned kangaroos as required by the ACT Animal Welfare Act, noting that during the cull thunderstorms, hail and heavy rain occurred;

(16) What steps were taken to ensure that does (mothers) were not separated from their joeys during all stages of the cull and how was this monitored, noting that the separation of does and their joeys is an acknowledged cause of stress and undue suffering;

(17) Noting that, according to information provided by Dr Maxine Cooper, the striped legless lizard has not been found inside the fenced area of Belconnen Naval Transmitting Station but has been identified as present in the area adjoining the fenced area, what steps is Environment ACT taking to protect its known habitat in this adjoining land.

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

(1) The ACT granted a licence for the killing of kangaroos to the landholder - the Department of Defence. Defence managed all aspects of the operation, including contractor arrangements. Specific information on the operation can be obtained by contacting the landholder.

(2) The landholder has not yet provided a report on the operation and therefore the ACT Government is not in a position to provide this information.

(3) Through its contractor, The Department of Defence had primary responsibility for ensuring the welfare of the animals. Defence had arranged with the RSPCA to spot check the cull at its discretion. The licence to kill kangaroos, issued by ACT Government required Defence to notify the ACT Government Veterinarian in time for the Government Vet to make spot checks, at the Government Vet's discretion. This requirement was met. In addition, one of the ACT's researchers, who was present on the site most of the time, is an authorised Conservation Officer under the Nature Conservation Act.

(4) See question 3.

(5) See question 3.

(6) Specific information on security arrangements can be obtained by contacting the landholder.

(7) The drugs were not specified on the licence provided by the ACT Government and were at the discretion of the contractor (subject to relevant laws and other considerations such as worker safety and animal welfare). A veterinarian working for the contractor administered the drugs.

(8) This information can be obtained by contacting the landholder.

(9) This information can be obtained by contacting the landholder.

(10) The landholder is required to report this information as part of licence conditions. However, in advance of that process, I have been advised that the number of animals euthanised due to injury is 21.

(11) It was observed that changes were made to avoid injury of the animals and the contractor (whose staff included people with extensive kangaroo management experience, and a veterinarian) was observed by ACT researchers on site to review the management operation with the staff approximately on a daily basis and to frequently discuss the best ways to handle the animals. Specific information can be obtained by contacting the landholder.

(12) This information can be obtained by contacting the landholder.

(13) This information can be obtained by contacting the landholder.

(14) I am advised that two yards included some lakeshore where kangaroos could drink, and water containers were placed in all others. Three pellet feeders were placed in the large capture yard. The gates were left open at night between the large capture yard, the small capture yard, and the darting yard.

(15) Natural kangaroos born and reared in the wild rarely access shelters from rain and hail, even when they are available. Use of shelters is typical of artificially reared kangaroos. At BNTS the main source of shelter from sun and wind that is used by the kangaroos, is the Eucalyptus plantation at the south eastern corner. This plantation was divided between the recovery yard used for the kangaroos that were being retained on the site, and the large capture yard. The kangaroos remaining in the large eastern portion of the site used the ‘camp’ they had created under the trees near the guardhouse.

(16) This information can be obtained by contacting the landholder.

(17) The striped legless lizard has been located on adjacent Defence land, and the primary responsibility for its protection lies with the landholder. ACT Parks Conservation and Lands engages with ACT landholders to inform them of best practice management, and carries out research intended to better inform the management of ACT lands and populations of wildlife.

ACTION bus service—patronage (Question No 2102)

Mr Stefaniak asked the Minister for Territory and Municipal Services, upon notice, on 25 June 2008:

(1) How many people, on average, per week travelled during the peak periods (6am to 9am and 4pm to 7pm) on week days on the previous ACTION bus Routes 40, 41 and 42 (aggregated for the three services);

(2) How many people, on average, per week now travel during the peak periods (6am to 9am and 4pm to 7pm) on week days on Network '08 ACTION bus Route 10;

(3) If figures are not available for the peak times specified in parts (1) and (2), can the Minister provide average figures for week day travellers overall for the routes specified;

(4) What are the reasons, either surveyed or anecdotal, for any difference that arises between the figures provided in the answers to parts (1) and (2);

(5) If no figures are available, why not.

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

1.

Bus Routes 40, 41 and 42	6-9am	4-7pm
Old Network (May 2008) Average Weekly Patronage	2,471	2,361

2.

Bus Route 10	6-9am	4-7pm
New Network (June 2008) Average Weekly Patronage	2,770	2,649

3. N/A

4. The increase in patronage on Route 10 is a result of a greater number of passenger boardings per trip.

5. N/A

Gas-fired power station (Question No 2103)

Dr Foskey asked the Chief Minister, upon notice, on 25 June 2008:

(1) What benefit or profit will Actew obtain from the proposed gas-fired power plant in Tuggeranong once it is complete;

(2) Will the Minister table the business case which indicates that renewable technologies have been explored, and why they were rejected;

(3) Will the data storage plant have priority in the event of a gas shortage.

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

These questions are the responsibility of the Treasurer. For answers, Dr Foskey should direct them to the Treasurer.

Environment—report (Question No 2104)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 25 June 2008:

In relation to the response to Estimates question taken on notice No 436, when is the 2007 State of the Environment Report expected to be released publicly.

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

I have received the 2007 State of the Environment Report.

The Government is currently considering the Report and, as required by legislation, I will present the Report or recommendation to the Legislative Assembly within 15 sitting days.

Occupational health and safety—site inspections (Question No 2106)

Dr Foskey asked the Attorney-General, upon notice, on 25 June 2008:

(1) In relation to the response to Estimates question on notice No 56, what is the number of occupational health and safety site inspections undertaken by Workcover inspectors in the ACT each year since 2004;

(2) What is the expected number of site visits to be undertaken in 2009.

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

1) 2004-05: 3,446
2005-06: 3,960
2006-07: 2,165
2007-08: 1,462 (projected)

2) The expected number of site visits in 2008-09 is approximately 2,500.

Transport—statistics (Question No 2107)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 25 June 2008:

What proportion of trips to work are via (a) car and (b) bus (i) since the new bus timetable began and (ii) in each year since 2004.

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

Trips to work data is not collected by the Office of Transport. This information is available from the Australian Bureau of Statistics. My Department estimates that, based on ACTION's ticketing data, the proportion of trips to work by bus are as follows:

2004	6.34%
2005	6.87%
2006	7.51%
2007	7.34%.

After five weeks of operation of Network 08, there has been a total increase in adult boardings on regular weekdays of 7.4% compared to the average in 2007/08 under the previous network. On Tuesday, 22 July 2008, a milestone of 26,100 adult boardings in one day was achieved. ACTION is now regularly recording daily adult boardings of over 24,000.

Electric scooters—registration (Question No 2108)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 25 June 2008:

(1) Could the Minister advise the registration arrangements and charges for electric scooters;

(2) Is the Government considering lowering the costs of registering electric scooters in the ACT given that these scooters are low emission;

(3) Will the ACT Government advocate that the Commonwealth Government establish or recommend a standard regulatory framework to enable and support the increased use of non-polluting transport options such as electric scooters.

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

1. The registration arrangements are the same for any moped or motorcycle. From 1 July 2008 the registration fee for electric mopeds and motorcycles will be $69.35 which is a 20% concession on the non-electric moped/motorcycle registration fee of $86.70.

2. No

3. No

Education—priority enrolment areas (Question No 2109)

Dr Foskey asked the Minister for Education and Training, upon notice, on 25 June 2008:

In relation to the response to Estimates question on notice No 99 and to children transitioning from early childhood schools to primary schools, will children who do not wish to transition to their Priority Enrolment Area school, but would prefer to remain with their peers from the early childhood school, be given a place at the school of their choice.

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

If children wish to transfer from an early childhood school to an out of area school, they will certainly be given a place, if space is available after the schools cater for students from the priority enrolment area.

Planning—concessional leases (Question No 2110)

Dr Foskey asked the Minister for Planning, upon notice, on 25 June 2008:

(1) In relation to the response to Estimates question on notice No 363, what are the requirements and guidelines in the Territory Plan against which applications to vary leases and in particular concessional leases are assessed;

(2) Has the Government and the ACT Planning and Land Authority (ACTPLA) maintained the Guideline for the Assessment of Applications to Pay Out the Concession applying to a lease Or To Transfer a Concessional Lease to Another Person as a guide for the assessment of applications to vary a concessional lease; if not, what in the current Territory Plan sets out similar specific guidelines and considerations to which ACTPLA must have regard when assessing these leases.

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

(1) In relation to leases generally, an application to vary a lease must be assessed against the relevant requirements of the Territory Plan. For example, an application to add an additional use(s) to a lease can only be approved if the proposed new use is not prohibited by the Territory Plan. The assessment track that the application must be assessed in (assuming it is not prohibited) is determined by reference to the relevant development table of the Territory Plan.

In relation to concessional leases, the 2008 Territory Plan has no requirements for the assessment of development applications for deconcessionalisation other than to require it to be conducted in the impact assessment track (consistent with section 123 and schedule 4 of the *Planning and Development Act 2007*). Like all impact track matters, such applications must be assessed against the statement of strategic directions of the Plan and the objectives for the relevant zone. Territory Plan codes must also be considered if relevant; however, there are no code requirements specific to concessional leases.

The main requirements for the assessment of development applications for deconcessionalisation are set out in the Planning and Development Act and the Regulation. Firstly, the proponent must prepare an Environmental Impact Statement (or EIS). In preparing a draft EIS, the proponent must address the matters raised in the initial scoping document prepared by ACTPLA. The scoping document must include the matters required by section 54 of the Regulation. Once the EIS is completed, following public consultation on the draft, the development application can be lodged and publicly notified. The assessment of the application must take account of the completed EIS, third party representations and the probable environmental impacts of the proposal including social and economic impacts as well as other matters set out in sections 128 and 129 of the Act. These steps add up to a more open and thorough assessment process than was required under the repealed Land Act 1991.

In addition, before ACTPLA can decide a development application for deconcessionalisation, the Minister for Planning must first have made a decision in the affirmative under Section 261 of the Act. Section 261 requires the Minister to decide whether it is in the public interest for a development application to deconcessionalise a lease to be considered at all. In making this decision, the Minister must have regard to the following:

- whether the Territory wishes to continue to monitor the use and operation of the lease by requiring consent before the lease is dealt with;
- whether approving the application would cause any disadvantage to the community;
- whether the application to vary the lease to make it a market value lease is, or is likely to be, part of a larger development and, if so, what that development will involve; and
- whether the Territory should buy back, or otherwise acquire, the lease.

Only the Minister for Planning can make the decision required under section 261. The subsequent and separate decision, whether or not to approve the development application, is made by ACTPLA (unless "called in" by the Minister).

(2) The *Guideline for the Assessment of Applications to pay out the Concession applying to a Lease* was implemented in 2002 on an interim basis. The new assessment requirements in the Planning and Development Act, as I have just outlined, removed the need to retain the Guideline in the Act or Regulation. If necessary, ACTPLA may supplement the assessment requirements of the Act by incorporating additional information requirements into the scoping document for the relevant EIS.

Environment—air monitoring (Question No 2111)

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 26 June 2008:

(1) How does the monitoring of particle levels and noxious gases at all monitoring stations in the ACT compare with the benchmarks for National Environment Protection Measures (NEPM) for ambient air and could the Minister specify this for each monitoring station;

(2) Is there discussion of revising the measures which are contained within the NEPM for the ACT.

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

1. Under the Ambient Air Quality National Environment Protection Measure (NEPM) the ACT requires only one monitoring station. Despite this, the ACT Government operates two major monitoring stations, one at Monash and the other in Civic. A third smaller station operated at Woden. This station only monitors particulate matter.

   The NEPM contains six criteria pollutants, namely carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, lead and particulate matter. The ACT does not monitor sulfur dioxide and lead due to a lack of heavy industry and ambient sources respectively.

   Carbon monoxide, oxides of nitrogen and ozone are measured on a continuous basis at both Monash and Civic. Historical monitoring indicates that these pollutants are usually below the NEPM standards. However, in late 2006 and early 2007, the ACT was impacted by smoke pollution from severe bushfire activity in Victoria and NSW which resulted in several exceedences of the of the ozone standard being measured at Civic. Nitrogen dioxide and carbon monoxide levels are well below the standard at both stations.

   Particulate matter is the primary pollutant of concern for Canberra. Monitoring shows exceedences of the national standard have been recorded at all stations with most of these related to the use of solid fuelled heaters in winter. The ACT Government has an ongoing program to address wood smoke, including public education and awareness programs such as the Don't Burn Tonight' campaign, undertakes enforcement activities, and licensing of firewood merchants. For the last four years the Government has also run a successful Wood Heater Replacement Program.

   More recently the ACT has experienced elevated levels and exceedences outside of winter from bushfires and dust storms due to the ongoing drought in south-eastern Australia.

2. The review of the Air Quality National Environment Protection Measure is due to be completed in March 2009. The Review Team is currently working on a second discussion paper, which is addressing air quality standards. This is expected to be released in September/October 2008.

Censorship—X-rated material (Question No 2112)

Mrs Dunne asked the Attorney-General, upon notice, on 26 June 2008:

(1) Could the Minister provide details on the revenue which the ACT Government made through the sale of X-rated films in the ACT from any taxes and licensing;

(2) How many X-rated films are exported to indigenous communities from the ACT;

(3) Is the Minister concerned about the links between crimes against women and children and the impact on the behaviour of children and the availability of X rated films; if so, what steps are being taken to limit the export of X-rated material.

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

(1) In the 2007/08 financial year $158,558 was taken in licence fees.

(2) Details of this are not known. I am advised that generally there is no prohibition in interstate law which prevents people from purchasing X-rated films or from viewing them. There are offences under state classification enforcement legislation for the sale or hire of X-rated films. The enforcement and prosecution of these offences is a matter for state authorities.

In 2007 the Federal Government implemented measures to reduce pornography and create safer places for kids in the Northern Territory. Changes to the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* created new offences for possessing pornography within prescribed areas in the Northern Territory and for supplying pornography into those areas.

It is not justifiable to blame any increase in the availability of X-rated films in the states on the current arrangements in the ACT or the Northern Territory. Generally speaking, in a regulated market there is a higher level of compliance than in an unregulated market, such as those interstate.

(3) The ACT Government has taken the view that, on balance, it is more prudent to regulate and control the release of X-rated material. The regulated structure, and the way that it is enforced in the ACT, acts as a disincentive to illegal market activities, such as the sale of 'refused classification' films and films that are yet to be classified, to protect the wider community including women and children.

Brothels—licences (Question No 2113)

Mrs Dunne asked the Attorney-General, upon notice, on 26 June 2008:

(1) How many licensed brothels currently operate within the ACT;

(2) Is the Department aware of any unlicensed sex providers operating in the ACT at the moment; if so, how many;

(3) Has the Department discovered the existence of any unlicensed sex providers operating in the ACT in (a) 2004-05, (b) 2005-06, (c) 2006-07 and (d) 2007 08 to date; if so, how many and what was the course of action taken;

(4) How many licenses have been refused to potential providers since 1998 and on what grounds were they refused;

(5) Has the Department been aware of any raids conducted by the Australian Federal Police, regulatory services or immigration on brothels in the ACT from 2004 to date;

(6) Does the Department keep records regarding the number of women who have been found to be underage and working in brothels in the ACT; if so, could the Minister provide the (a) number of underage women found to be working in brothels in the

ACT, (b) age of each of these women and (c) action taken against each brothel they were found at;

(7) What are the legal consequences that brothels would face and what is the process involved for the removal of their license to operate, where a brothel in the ACT has been found to have underage and or trafficked women to be working in it, whether through a raid or other means.

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

(1)

Commercial Operator Brothels	1
Commercial Operator Escort Agencies	1
Commercial Operator Brothel & Escort Agencies	13
Total Commercial Operators	15
Sole Operator Brothels	3
Sole Operator Escort Agencies	3
Sole Operator Brothel & Escort Agencies	16
Total Sole Operators	19
Total all brothels and/or escort agencies	**34**

(2)

Yes – the department is of the view that it is likely that a number of unregistered sex providers are currently operating in the ACT. When the department becomes aware of the existence of unregistered sex providers this information is referred to ACT Policing.

It should be noted that under the *Prostitution Act 1992* (the Act) there is currently no requirement for sex providers working in a commercial brothel or escort agency to be registered. The principal business is required to be registered but not the employees.

(3)

Yes – the Office of Regulatory Services (ORS) and ACT Policing have through intelligence and/or investigations discovered the existence of unregistered sex providers in the ACT. One charge has been laid for an unregistered sex provider operating in the ACT.

Although the ORS does not have an enforcement role, in the 2007-08 period the ORS has referred 3 complaints involving unregistered sex providers to ACT Policing. Details of the actions taken cannot be provided as this information relates to on going enquiries involving ACT Policing and in some cases the Department of Immigration and Citizenship (DIAC).

(4)

There are no known records of refused registrations. I am advised that there is in fact no power to refuse registration under the Act.

(5)

Yes- Seven raids/planned visits to brothels have taken place in this timeframe. I am advised that the ACT Policing will arrange the raids or accompany other agencies that may have initiated the visit, such as DIAC.

ACT Workcover last undertook a planned inspection of brothels in 2005. ACT Policing assisted with this program. A copy of this report is attached.

(6)
No records of this are kept by the ORS. If underage women were found working in ACT brothels, this is a criminal offence and any prosecutions for this conduct would be on the public record.

(7)
If a person (who was an owner, operator, director) of a brothel was to have engaged in the conduct noted in question 7 namely employing underage women (or men) for the purpose of providing sexual services they are committing a criminal offence. If the child is aged between 12-18 yrs of age then there is maximum penalty of 1000 penalty units ($500,000 for a company) or 10 years imprisonment.

The crime of 'duress' (in relation to sexual services) is relevant to trafficked women (men), and has a maximum penalty of 6 years imprisonment (for the person inducing or intimidating another person to provide commercial sexual services).

A person who is convicted or found guilty of a *disqualifying offence* must not be/ or continue to be an interested person (owner, operator, director) of a commercial brothel or escort agency. The brothel or escort agency could still operate but the person must not continue to be an interested person involved in the brothel or escort agency.

A *disqualifying offence* relates to a number of offences, including those offences noted above as well as offences under the *Crimes Act 1900*, *Migration Act 1958* (cwlth) and *Criminal Code (chapter 6)*.

Education—enrolments (Question No 2114)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 26 June 2008:

How many enrolments have been received at each (a) preschool and (b) primary school in the ACT public education system for (i) preschool and (ii) kindergarten at the end of the official enrolment period for the 2009 school year which was Friday, 20 June 2008.

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

While the first round of enrolment applications closed on 20 June 2008, and first round offers have been sent out, the process is ongoing. I am therefore unable to provide these figures at this stage of the year.

Environment—greenhouse gas abatement (Question No 2115)

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 27 June 2008:

In relation to the claim that the Government has spent $240 million (*Hansard* 25 June 2008) on greenhouse gas abatement in the ACT, can the Minister provide a breakdown of spending (a) by program and (b) for each year that he has been in government.

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

See page 43 of Budget Paper 2.

Finance—government shares (Question No 2116)

Dr Foskey asked the Treasurer, upon notice, on 1 July 2008:

(1) Does the ACT Government have shares in ANZ;

(2) Has the Government submitted any resolutions in any shareholder meetings, in any company; if so, can the Minister provide a list and details of any resolutions submitted.

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

1. Yes.

2. No.

ActewAGL—electricity meters (Question No 2118)

Dr Foskey asked the Minister for Housing, upon notice, on 1 July 2008:

(1) Does ActewAGL report to Housing ACT if the electricity meter on a property is inaccessible;

(2) Does Housing ACT routinely check the accessibility of electricity meters on their properties;

(3) Can Housing ACT residents claim costs from Housing ACT if they have reported that the meter is inaccessible and no action has been taken, resulting in an overcharge from ActewAGL.

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

(1) ActewAGL does not differentiate between private and public dwellings for the purpose of meter reading. Issues relating to access are addressed to the account holder. If access is not provided ActewAGL will estimate electricity consumption.

(2) There is no systematic or routine check of access to electricity meters carried out by Housing ACT, however, under the terms and conditions of their tenancy agreements, tenants are expected to maintain the garden and surrounds of the property, including pruning and trimming of plants and shrubs.

(3) No. See answer to (1)

Air conditioners—installation (Question No 2119)

Mr Mulcahy asked the Attorney-General, upon notice, on 2 July 2008 *(redirected to the Minister for Planning)*:

(1) What are the current licensing requirements for tradespeople to install, maintain or repair air conditioners;

(2) What education and training requirements are currently required to meet the current licensing requirements;

(3) How long do each of these education and training requirements take to obtain;

(4) Have the licensing requirements been amended within the last two years; if so, how;

(5) How many people are currently qualified and licensed to install, maintain or repair air conditioners in the ACT.

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

(1) Air conditioning and refrigeration is not a licensed occupation in the ACT however working on electrical equipment which forms part of an electrical installation requires either a restricted or an unrestricted electrical license.

(2) To work as an unrestricted electrician the Construction Occupations Licensing Act requires that the applicant satisfy one of a number of tests resulting in either a trade qualification based on the attainment of core competencies or suitable practical experience to the satisfaction of the Construction Occupations Registrar.

(3) There are no specific timeframes for the completion of the competencies associated with apprenticeships.

(4) No

(5) There are 2933 electrical trade licences (both restricted and unrestricted) in the ACT of which 94 are restricted to systems refrigeration and air-conditioning electricians.

Policing—breath testing (Question No 2120)

Mr Mulcahy asked the Minister for Police and Emergency Services, upon notice, on 2 July 2008:

(1) How many breath testing trucks are available for deployment in the ACT;

(2) How (a) often has a breath testing truck been deployed to conduct breath testing activities, (b) many times has a unit been deployed on Saturday nights and (c) many times has a unit been idle on Saturday nights, over the past three months.

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

(1) ACT Policing has one truck for breath testing activities. It is a multi-purpose vehicle that is used for a range of activities.

(2) Over the period 1 April 2008 to 30 June 2008:

(a) the truck has been deployed to conduct breath testing activities once;
(b) the truck has not been deployed to conduct breath testing activities on Saturday nights;
(c) the truck has been unused on 13 Saturday nights.

However, ACT Policing undertakes targeted breath testing operations across the Territory which do not necessitate the use of the RBT Truck, using marked and unmarked vehicles. All ACT Policing patrol vehicles are equipped to carry out random breath testing at all times, as is the ACT Policing Crash Test van. Over the period in question, four targeted exercises were conducted, with a further twelve operations scheduled during July and August 2008. Targeted breath testing exercises include, but are not restricted to, peak offence periods such as Saturday nights. Over the April-June 2008 period a total of 8750 drivers were tested.

Schools—audits
(Question No 2122)

Dr Foskey asked the Minister for Education and Training, upon notice, on 2 July 2008:

(1) Does the ACT Government conduct audits of non-Government schools; if so, how many have been made over the last five years; if not, does the Department of Education and Training have plans to appoint auditors;

(2) How many non-Government schools are registered in the ACT;

(3) What is the total (a) ACT Government and (b) Federal funding for each school outlined in part (2).

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

(1) The Department conducts an annual compliance self audit for all non government schools to ensure that conditions of registration continue to be met. Following receipt of completed annual compliance self audit forms, the Department selects a number of schools to conduct compliance checks. In 2008, ten non-government schools were required to demonstrate compliance with conditions of registration through compliance checks.

(2) There are currently 44 non-government schools registered in the ACT. This comprises 27 Catholic Education Office systemic schools, 3 Catholic non-systemic schools and 14 independent schools.

(3)

School	Total ACT Funding [3] $	Total Commonwealth Funding [4] $
Association Of Independent Schools[2]	558 985	728 894
Blue Gum Community School	89 813	123 136
Brindabella Christian School	376 326	1 086 831
Burgmann Anglican School	1 600 629	3 828 160
Canberra Christian School	55 970	116 077
Canberra Girls Grammar School	1 485 026	2 826 541
Canberra Grammar School	1 275 217	2 869 088
Canberra Islamic School	85 765	154 832
Canberra Montessori School	182 049	494 513
Catholic Education Office[2]	21 623 678	59 350 243
Covenant College	287 682	623 753
Daramalan College	2 772 295	7 354 655
Emmaus Christian School	474 834	1 317 411
Galilee	44 259	131 910
Marist College	2 985 385	7 997 362
Orana School	960 077	2 573 252
Radford College	1 703 014	4 359 182
St Edmunds College	2 059 652	6 025 727
Trinity Christian School	1 653 647	4 152 645
ACT Block Grant Authority [5]	0	5 742 036
	40 313 459	111 856 248

Notes:

1. The figures in the above table relate to the 2007-08 Financial year.
2. This funding to the Association of Independent Schools and to the Catholic Education Office is distributed to their schools by the organisation.
3. ACT Funding includes ACT Per Capita, Early Learning Support, Interest Subsidy Scheme, Student Support, Student with a Disability, IT Grants and Disability Access.
4. Commonwealth Funding includes Recurrent, Capital and Targeted Programmes.
5. The Authority distributes Capital grants including the Investing in Our Schools Program (IOSP) to non-government schools.

Roads—streetlights (Question No 2124)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 2 July 2008:

(1) In relation to an ongoing street light replacement program in the suburbs of Kingston, Griffith and Narrabundah, can the Minister detail the full schedule of street lights replaced to date as well as the completion date for those not yet commenced in the (a) 2007-08 and (b) 2008-09 financial year;

(2) Can the Minister outline the process by which street lights are replaced, including contractor's dealings with ActewAGL that request that individual street lights or whole streets are isolated whilst work is being conducted, and outline the Department of Territory and Municipal Services (TAMS) policy or guidelines relating to the length of time street lights can be isolated while ensuring public safety;

(3) Can the Minister provide a schedule of the period of time that street lights in Kingston and Griffith were/are isolated whilst replacement work was/is being undertaken;

(4) Can the Minister explain why street lights on Oxley Street, Dawes Street and Eyre Street in Kingston have remained isolated since February 2008, resulting in several falls by residents negotiating steps and cracked footpaths at night time;

(5) When do you expect the street lights on the streets outlined in part (4) to be turned back on;

(6) Does the ACT Government accept any liability for injuries sustained by residents as a direct result of such negligence on TAMS part.

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

1. I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer this question.

2. Streetlights are replaced by contract. The contractor is required to liaise directly with the power supply authority (ActewAGL) to effect those disconnections that are required for safe working. TAMS target time for restoring a missing streetlight pole or severed cable under the maintenance program is 30 days however under a construction contract the isolation is effected for as long as is necessary to ensure the safety of those working on the project.

3. 2006/07 Streetlighting Capital Upgrades
   Isolation at individual poles in Narrabundah occurred on a daily basis. An ActewAGL officer accompanied the contractor during the pole replacements and isolated/reconnected each pole as it was replaced. The areas of works along Kennedy Street were isolated on 17 and 18 June 2008. These works are currently underway and will be completed by 15 July 2008.

   There have also been five separate isolations in the Kingston/Griffith area as part of the 2007/08 Cable Upgrade Program. These include:
   - Part of Frome St, Blaxland Crescent, Wills Street, Barrallier Street - isolated 31/01/2008, reconnection 15/04/2008;
   - Part of Oxley Street, Eyre Street, Dawes Street - isolated 31/03/2008 reconnection 11/06/2008;
   - Giles Street close to Canberra Avenue (one streetlight only) - isolated 31/03/2008. ActewAGL have inspected the works 22/05/2008 and 11/06/2008. The streetlight has not yet been connected;
   - Light Street, part of Evans Crescent - isolated 22/04/2008 and reconnected on the 19/06/2008;

- Murray Crescent close to Furneaux Street - isolated 22/04/2008 and reconnected on the 19/06/2008.

4. Street Lights on Oxley, Dawes and Eyre Streets in Kingston were isolated between February 2008 and June 2008 to enable a contractor to undertake repair work.

5. ActewAGL has advised that the reconnection was completed on 11 June 2008.

6. The question of negligence does not arise.

ACTION bus service—branding (Question No 2125)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 2 July 2008:

(1) In relation to the newly designed branding for ACTION Buses and the introduction of the new logo and livery, can the Minister confirm that only new buses entering the fleet will be coloured according to the new green and white livery with the new ACTION logo;

(2) Can the Minister outline the approximate monetary cost required to paint new ACTION buses and confirm if this is paid by ACTION;

(3) In relation to part (1), can the Minister confirm whether ACTION has recently purchased any Renault PR series buses as part of its regular fleet replacement program, and accordingly introduced the new livery on these recently purchased buses;

(4) In relation to part (3), can the Minister explain why older model buses such as Renault PR have been branded with the new "green and white" livery and logo;

(5) How many buses in total have been retro branded and what is the total monetary cost that has been spent on this exercise.

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

1. All new buses entering the fleet will be coloured according to the new livery. However, there are six buses from the existing fleet that have been coloured (vinyl wrapped) with ACTION's white/green livery colours as an advertisement to promote public transport and ACTION's new network.
   With regard to the logo, all new buses will have the new logo. In addition, all ACTION's current green and white fleet will have the new logo emblazoned upon them.

2. (i) When purchased as part of the fleet procurement process, the itemised cost to paint an individual bus is approx. $1,500 per bus.
   (ii) Yes, this cost is paid by ACTION as part of the procurement process.

3. No, ACTION has not recently purchased any Renault PR series buses. However, some Renault PR series were part of vinyl wrapped buses outlined in Q1.

4. Six older buses have been vinyl wrapped as an advertisement to promote public transport and ACTION's new network. These buses have not been re-painted.

5. Six as described in Q1. The total cost to undertake the advertising design/graphics, print and vinyl wrapping of the buses was $45,000 including GST.

ACT Memorial—vandalism (Question No 2126)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 2 July 2008 *(redirected to the Minister for the Arts)*:

(1) In relation to the recent vandalism attack on the ACT Memorial on Ainslie Avenue in June 2008, what is the total cost in dollars of the damage to the memorial;

(2) Who has been contracted to undertake repairs to the memorial and when are repairs due to be completed;

(3) Has the Minister devised any strategies to deter attacks like this in future or to detect the perpetrators of such attacks;

(4) How many incidents like this have occurred in the previous five financial years to date on significant ACT or National memorials.

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

(1) The total cost for the repair work to ACT Memorial was $2406.25, comprising $1980.00 for the glass fabricator and $426.25 for fencing.

(2) *Blasted Glass*, the original fabricators of the glass for the ACT Veterans' Memorial, was engaged to undertake repairs to the four glass panels that were damaged. Repairs were completed on Thursday 11 July 2008.

(3) Discussions are continuing with the Department of Justice and Community Safety.

(4) There have been no incidents like this in the previous five financial years on significant ACT memorials. The ACT is not responsible for national memorials. These come under the purview of the National Capital Authority.

ACTION bus service—Belconnen exchange (Question No 2127)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 2 July 2008:

(1) Can the Minister detail when work will commence on a new Belconnen Bus Interchange;

(2) What is the monetary cost of the replacement and which company has been awarded the contract to undertake construction;

(3) What will be the temporary arrangements for the interchange functions whilst construction is in progress;

(4) Can the Minister detail if any works have been conducted at the Belconnen Bus Interchange since January 2007, including minor repairs and painting, and what is the monetary cost for each of the works conducted and the dates that any work was carried out.

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

1. Temporary works are currently scheduled to start in October 2008 and be completed by February 2009. This will then allow the permanent works to begin on the Cohen Street extension, including demolition of the existing bus interchange and the replacement of a new bus operating system within the Belconnen Town Centre. The construction start date for the permanent works is currently programmed for March 2009.

2. The current estimate of construction costs for the permanent road works is $17.5M. Tenders for permanent works construction are currently scheduled to be called in February 2009.

3. The temporary works will ensure appropriate alternative access for buses, pedestrians and general traffic within the Belconnen Town Centre during the construction of the permanent works.

4. Improvements and refurbishment to Belconnen Bus Interchange include: cleaning and replacement of broken panels; replacement of lighting within the interchange and across pedestrian bridge; cleaning and replacement of broken roof panels; and painting have progressively been undertaken since March 2008, as follows:

Painting	$59,842
Upgrade to lighting	$30,345
Building works	$10,000
Roof Repairs	$26,300

Maintenance has been undertaken as follows:

Maintenance of lights	$1,149.50	4/2/2008
Replacing glass	$2,055.90	25/2/2008
Repair damaged clocks	$253.00	08/04/2008
Replacing glass	$2000.00	29/5/2008
Replacement of toilet lights	$231.00	12/06/2008

Water—sale to Queanbeyan (Question No 2128)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 3 July 2008 *(redirected to the Treasurer)*:

Given that the ACT sells water to Queanbeyan at a bulk price rate, (a) how often is the price renegotiated, (b) how does this price compare with the price paid by large users in the ACT, (c) what principles guide the setting of the price and (d) at what level do these negotiations take place.

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

a. ACTEW and Queanbeyan City Council (QCC) entered into a Service Level Agreement (SLA) on 8 January 2002 for the supply of potable water to the City of Queanbeyan. Schedule 8 of the SLA allows for the negotiation of a Pricing Agreement for the supply of water by ACTEW to QCC.

   ACTEW and QCC entered into a three-year agreement for pricing bulk water for the period 2005 06 to 2007 08 on 29 June 2004. Changes to the bulk water price during this period were negotiated annually in accordance with the principles of the overall three year agreement. A five year pricing agreement between ACTEW and QCC for 2008 09 to 2012 13 was finalised on 7 July 2008. In accordance with the commercial arrangement between QCC and ACTEW, this agreement is aligned to the new price path set out in Independent Competition and Regulatory Commission's 2008, *Water and Wastewater Price Review: Final Report and Price Determination* which was released on 7 June 2008.

b. It would not be appropriate to compare Queanbeyan City Council's bulk water supply with ACT large users, as Queanbeyan City Council provides and is responsible for its own reticulation and storage system within Queanbeyan, as well as metering and billing.

   The current pricing is based on the current ICRC price determination for the ACT. The price paid by Queanbeyan City Council is subject to a contract between the parties and is therefore commercial-in-confidence.

c. A number of principles guide the setting of the price. The Independent Competition and Regulatory Commissions 2008, *Water and Wastewater Price Review: Final Report and Price Determination* provides the following guidance on the prices for provision of bulk water services on pages 160 161.

   - ACTEW must provide bulk water and reuse water on the basis that customers pay at least the avoidable cost of supply, and less than the stand alone cost of supply. Furthermore, bulk water prices should be set on the basis of the following principles:

     - Prices should seek to recover avoidable costs.
     - Prices should provide for a fair and reasonable rate of return on capital invested.
     - Prices should discourage uneconomic bypass.
     - Prices should be set according to a well defined and clearly explained methodology.

   As well, Schedule 8 of the Service Level Agreement sets out a number of pricing principles. These are as follows:

- Specific prices will apply for 12 months over the financial year 1 July to 30 June.
- The charge should reflect cost of supply and be commercially based so as to ensure the price covers the economic cost of supply.
- There should be a medium term pricing arrangement to establish a pricing framework for a set period.
- This price arrangement will be tailored where practicable to the period covered by any ICRC price determination for ACTEW, where the timing of any determination so allows.
- As a starting basis for price negotiation, annual price changes to the Queanbeyan City Council will acknowledge any allowed price change in the ACT.
- Prices and price structure should be set on user pays basis so as to give appropriate price signals to the Queanbeyan City Council, and should reward changes in consumer behaviour that involve more efficient water use.
- The price structure should be designed to reflect any specific needs of the Queanbeyan City Council where this is consistent with the agreed principles on cost reflectiveness and efficient price signals. To this effect, a number of tariff options should be provided to the Queanbeyan City Council at each price review.

d. Price negotiations have involved Council and officers of the Queanbeyan City Council and senior executives and officers of ACTEW Corporation. Sign off of the Agreement is undertaken by the Managing Director of ACTEW Corporation and the General Manager of the Queanbeyan City Council.

Education—school chaplain program (Question No 2129)

Dr Foskey asked the Minister for Education and Training, upon notice, on 3 July 2008:

(1) In relation to the Federal Government's school chaplain program and the inclusion of these positions in the ACT, what is the number of chaplain positions in ACT (a) government and (b) non-government (i) primary and (ii) secondary schools;

(2) What is the identity of each school outlined in part (1);

(3) What is the total Commonwealth funding received for the program;

(4) Are there any additional costs to the Territory for the program; if so, what are they.

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

(1) The number of ACT chaplain positions according to rounds 1 and 2 grants are:
(a) 31 government chaplain positions
(b) 22 non-government chaplain positions
(i) 23 primary schools across government and non-government sectors
(ii) 18 secondary schools across government and non-government sectors including colleges
(iii) 12 alternate structured schools (e.g. K-10)

(2) The identity of each school outlined in part (1)

National School Chaplaincy Program	
Government Primary Schools	**Government Secondary Schools**
Bonython Primary School	Belconnen High School
Charles Condor Primary School	Calwell High School
Evatt Primary School	Campbell High School
Gordon Primary School	Caroline Chisholm High School
Isabella Plains Primary School	Lanyon High School
Kaleen Primary School	Melba High School
Macquarie Primary School	Melrose High School
Ngunnawal Primary School	Stromlo High School
North Ainslie Primary School	Black Mountain School
Richardson Primary School	Canberra College
Theodore Primary School	Copland College
Wanniassa Hills Primary School	Erindale College
	Hawker College
	Lake Ginninderra College
	Lake Tuggeranong College
	Narrabundah College
Alternate Structured Schools	
Wanniassa School (K-10)	
Amaroo School (P-10)	
Gold Creek School (K-10)	
Non-Government Primary Schools	**Non-Government Secondary Schools**
Good Shepherd Primary School	Daramalan College
Holy Family Parish Primary School	St Francis Xavier College
Holy Spirit Primary School	
Islamic School of Canberra	
St Bede's Primary School	
St Clare of Assisi Primary School	
St Francis of Assisi Primary School	
St John the Apostle Primary School	
St Thomas Aquinas Primary School	
St Thomas More's Primary School	
The Galilee School	
Alternate Structured Schools	
Burgmann College	
Covenant College	
Emmaus Christian School	
Orana School	
Brindabella Christian College	
Canberra Grammar School	
Canberra Girls' Grammar School	
Radford College	
St Edmund's College	

(3) Under the National School Chaplaincy Program $165 million over three years (2006-07 to 2009-10) will be available for government and non-government schools to establish school chaplaincy services, or expand existing services. Government and non-government schools and their communities were able to apply for up to $20 000 per annum (and a maximum of $60 000 over the life of the program) to establish school chaplaincy services or to enhance existing chaplaincy services.

(4) No.

Kambah—leasehold inspections (Question No 2130)

Dr Foskey asked the Minister for Planning, upon notice, on 3 July 2008:

> Can the Minister advise how the lessee of the block at 54 Morant Circuit, Kambah has flagrantly flouted the law as advised in his answer to question on notice No 1815; if not, will the Minister apologise for making unsubstantiated allegations under parliamentary privilege.

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

> The Member should note that the lessee of 54 Morant Circuit referred to in my reply to your question on notice 1815 is no longer the lessee of the block.
>
> I have attached some of the photographic evidence collected by officers of both the Commonwealth and Territory governments over the last 30 years during which time the former lessee repeatedly flouted the law. The photographs were taken in response to complaints that had been made about the state of the block and the detrimental impacts it has had on the neighbouring houses and surrounding public land for the majority of that time.
>
> I have no intention of making an apology.

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

Sport—calisthenics (Question No 2131)

Dr Foskey asked the Minister for Tourism, Sport and Recreation, upon notice, on 3 July 2008:

> (1) What ACT Government financial support is provided to the sport of calisthenics in the ACT;
>
> (2) Is any other support made available;
>
> (3) What are the Government's reasons for this level of support;
>
> (4) What venues are available and suitable for calisthenics activities in the ACT.

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

> 1. Assuming this refers to 2008, Calisthenics ACT received operational support of $9,000 from the Sport and Recreation Grants Program.
>
> 2. Additional support for specific projects and equipment may also be available through the Sport and Recreation Grants Program - $1,500 was provided for equipment in 2008.
>
> 3. Calisthenics provides health, economic and social benefits to participants and the wider community.

4. Various venues are available for calisthenics – the eight clubs use a range of community halls, high schools and colleges for training. Competition requires a larger facility with staging and spectator provisions – these are typically confined to Erindale or Canberra Theatre.

Health—patient safety and quality unit (Question No 2132)

Mrs Burke asked the Minister for Health, upon notice, on 3 July 2008:

Has the Patient Safety and Quality Unit been established; if not, why not; if so, in what way has the establishment of this unit resulted in better outcomes for ACT Health since its inception.

Ms Gallagher: The answer to the Member's question is that the Patient Safety and Quality Unit (PSQU) was established in September 2006.

In general terms, the establishment of the PSQU has provided strategic leadership on improving patient outcomes, managing senior level governance arrangements, and has resulted in sharing of information gained from compressive review processes and comparisons across divisions and service streams in ACT Health. Prior to its establishment there were varied approaches to improving patient safety throughout ACT Health.

Nurses (Question No 2133)

Mrs Burke asked the Minister for Health, upon notice, on 3 July 2008:

(1) Does the 2006-2007 annual report of ACT Health, page 156, Section A.16 Workplace Relations outline, that under the new collective agreements, the provision for the new classifications of Assistants in Nursing (AINs) and also Client Care Officers (CCOs) and that AINs and CCOs will work within a strict competency framework and under the supervision of the health professional responsible for client management;

(2) Can the Minister advise (a) how many AINs and CCOs are currently employed and working within ACT Health, (b) when were the AINs and CCOs engaged and (c) where the AINs and CCOs are they currently deployed;

(3) How effective have these new roles been to date.

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

(1) Yes.

(2) None.

(3) Not applicable.

Cotter Road caretaker's cottage (Question No 2134)

Mrs Burke asked the Minister for Territory and Municipal Services, upon notice, on 3 July 2008:

In relation to the property on the Cotter Road, Weston Creek known as the old caretakers' cottage, (a) what are the exact details of the security being provided to the property including the times of the day the property is guarded by a security guard and (b) what is the cost of the security fencing per day and what has been the cost to date.

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

The Government is keeping the cost and exact details of the provision of security at the cottage confidential to prevent the security provisions being compromised.

Housing—review (Question No 2135)

Mrs Burke asked the Minister for Housing, upon notice, on 3 July 2008:

Given that the Minister advised the Assembly on 3 April 2008 that he foreshadowed a review of the public housing asset management strategy and that he was pleased to announce that the work was close to completion, can a copy of this review be provided; if not, why not.

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

(1) The review contains a number of options and addresses some of the complexities around management of the public housing multi-unit properties. The Government is currently considering the review and the strategy will be released in due course.

Crime—knives (Question No 2136)

Mr Smyth asked the Attorney-General, upon notice, on 3 July 2008:

(1) How many knife crimes have been reported in the ACT in each of the last eight financial years;

(2) What is the breakdown of (a) reported knife crimes and (b) severity of injury by type of knife for each of the last eight financial years.

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

(1) "Knife crime" has been defined as all homicide, assault, sexual, robbery and weapon offences where a knife was listed as being used or a knife was seized by police. This does not include incidents where a "sharp instrument" has been recorded as the weapon used.

Total knife crimes 2000-01 to 2007-2008

	Total knife crimes
2000-01	236
2001-02	196
2002-03	204
2003-04	166
2004-05	176
2005-06	251
2006-07	323
2007-08	232

(2) It is only possible to give "severity of injury" information in relation to knife offences by reference to injury descriptions at law. All murders or manslaughter (death), and assaults occasioning either actual or grievous bodily harm where a knife was involved have been included.

Information on weapon type by severity of injury has not been provided due to the low numbers in some categories and the potential identification of victims or offenders. However, it is possible to report that the most common type of knife used in knife offences during this period was foldable knives, followed by kitchen knives.

Knife crimes by injury 2000-01 to 2007-2008

	Death	**Grievous bodily harm**	**Actual bodily harm**
2000-01	0	4	16
2001-02	2	7	15
2002-03	0	1	18
2003-04	0	1	7
2004-05	0	1	4
2005-06	0	4	26
2006-07	4	7	19
2007-08	0	1	7

Drugs—educational materials (Question No 2137)

Mr Mulcahy asked the Minister for Health, upon notice, on 3 July 2008:

(1) What health or educational materials are distributed by the ACT Government relating to illicit drugs (a) in ACT government schools and (b) by ACT Government departments or agencies by other means;

(2) Can the Minister provide copies of each of these materials.

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

(1) The new ACT Department of Education and Training's (DET) *Curriculum Framework for ACT Schools Preschool to Year 10* identifies specific essential learning in the areas of drug education for preschool to year 10 (P-10), including drug education.

The Australian Government Department of Education Employment and Workplace Relations (DEEWR, formerly DEST) has produced a range of resources that support effective drug awareness education in Australian schools. DET works with DEEWR to ensure these resources are made available to schools. The resources include:

- Resilience Education and Drug Information (REDI), distributed to all schools, focuses on preventing and reducing harm from drug use by helping young people build resilience and helping schools to build a whole of school approach to tackling drug awareness education. The REDI resources are recommended by DET as they help schools address the mandated new *Curriculum framework for ACT Schools Preschool to year 10*. REDI resources can be accessed at http://www.redi.gov.au/;

- Innovation and Good Practice in Drug Education monographs, distributed to all schools, are developed to inform school principals and staff about the range of best practices, views and approaches for effective Australian school drug education. The monographs are available at http://www.dest.gov.au/sectors/school_education/policy_initiatives_reviews/key_issues/drug_education/monographs.htm;

- Cannabis and Consequences, distributed to all secondary schools, is designed to strengthen the response of schools to the challenge of drugs. Cannabis and consequences can be accessed at http://www.dest.gov.au/sectors/school_education/policy_initiatives_reviews/key_issues/drug_education/cannabis.htm;

- Leading Education About Drugs (LEAD) provides support to schools and their communities to conduct successful drug education forums using peer participation strategies. LEAD is available at http://www.dest.gov.au/NR/rdonlyres/2F26D2C1-2BD4-48CC-A3CD-18526031F2C7/12249/LEADinfobook22May06forwebsite1.pdf.

- The Principles for School Drug Education, distributed to all schools, provides a framework of core concepts and values for supporting effective drug education practice within schools. The Principles can be accessed at http://www.dest.gov.au/sectors/school_education/policy_initiatives_reviews/key_issues/drug_education/principles.htm.

- Keeping in Touch (The KIT), provided to all school authorities to support school staff in-servicing, has been designed to increase the knowledge and skills of school staff in providing early identification, effective responses and ongoing support to students across a range of drug use issues and incidents. The KIT is available at http://www.dest.gov.au/NR/rdonlyres/A1C906F9-1894-46C0-A741-3D7A0741F9C8/12473/KeepingInTouch_TheKit.pdf

The ACT Government through ACT Health funds 12 non-government alcohol and other drug (AOD) treatment and support services for the provision of information and education. ACT Health's Alcohol and Drug Program (ADP), also provides information and education. Materials disseminated by the services are a combination of materials the services have developed themselves and materials obtained from elsewhere. Most of these materials are disseminated to those presenting for treatment and support. Some of the materials are disseminated as part of broader community

education programs. The costs to services in producing and purchasing materials to disseminate are met through a combination of funding sources including funding from the ACT and Australian Governments as well as donations.

(2) AOD related health or educational materials distributed by the Government service (ADP) have been attached. The DEEWR resources provided to ACT schools can be accessed electronically via the links provided at (1).

Given the range of materials produced and disseminated by non-government AOD treatment and support services, the services themselves are the best source for you to access these health and educational materials from. These services include:

- ACT Division of General Practice - The Opiate Program
  reception@actdgp.asn.au
- Alcohol and Drug Foundation of ACT- ADFACT
  adfact@adfact.org
- Canberra Alliance for Harm Minimisation and Advocacy – CAHMA
  nicolew@aivl.org.au
- Directions ACT
  reception@directionsact.com
- Gugan Gulwan Youth Aboriginal Corporation
  kim@gugan-gulwan.com.au
- Salvation Army – Canberra Recovery Service
  canberraoasisnetwork4@aue.salvationarmy.org
- Australian Red Cross
  actinfo@redcross.org.au
- Centacare – Sobering-Up Shelter
  info@centacare-canberra.org
- Ted Noffs Foundation
  actadmin@noffs.org.au
- Toora Women Inc
  ed@toora.org.au
- Winnunga Nimmityjah Aboriginal Health Service
  winadmin@winnunga.org.au
- Youth Coalition of the ACT
  info@youthcoalition.net

Roads—traffic lights (Question No 2138)

Mr Mulcahy asked the Minister for Territory and Municipal Services, upon notice, on 3 July 2008:

(1) How many times have the traffic lights at the intersection of Hindmarsh and Yamba Drives failed over the last six months;

(2) What is the (a) time, (d) date and (c) cause of each failure;

(3) How many times have the police been called out to deal with the issue;

(4) How many police attended on each occasion;

(5) Has the problem with the lights now been resolved.

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

1. During the last six months the traffic lights have only 'failed' once. However, there have been a total of six other occasions when the lights have been **deliberately** switched to flashing yellow by the police. I understand this is done to allow the police to give training in traffic control to young officers.

2. The only 'failure' occurred at 2:12am on 15 March 2008. The lights had been tampered with by vandals and deliberately switched to flashing yellow.
   Occasions when the lights were switched to flashing yellow by the police for training purposes were:

   3:25pm Wed 30 Jan 2008
   2:47pm Fri 08 Feb 2008
   2:49pm Fri 18 Apr 2008
   2:17pm Fri 09 May 2008
   2:52pm Fri 06 Jun 2008
   2:18pm Fri 20 Jun 2008

3. N/A

4. N/A

5. N/A

Planning—Gungahlin
(Question No 2139)

Mrs Dunne asked the Minister for Planning, upon notice, on 3 July 2008:

(1) Was Block 1, Section 142, (Note: Original question had the block and section numbers reversed) Gungahlin originally intended to be a local park; if so, when will it be completed;

(2) Have the plans changed for this block; if so, (a) when did the plans change and (b) what are the new plans for this block.

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

(1) Block 1 Section 142 Gungahlin is shown as urban open space on the Territory Plan. The intention for a local park remains. Under a Deed of Agreement for this Estate,

the Developer is required to provide a park including playground equipment on this block.

The ACT Planning and Land Authority has instructed the Developer to complete the landscaping and construct the playground equipment.

The ACT Planning and Land Authority has requested a program from the Developer for its completion and is waiting for their response.

(2) There have been no plans to change the purpose of Block 1 Section 142 Gungahlin.

Gas-fired power station (Question No 2140)

Dr Foskey asked the Treasurer, upon notice, on 3 July 2008:

(1) How is information passed between the ACTEW board and the shareholders;

(2) How many meetings of the ACTEW board or Annual General Meetings has the Treasurer and/or the Deputy Chief Minister attended since the election in 2004;

(3) What are the mandatory reporting requirements for ACTEW to report to the Minister;

(4) When were the shareholders informed about ActewAGL's plans to build a gas-fired power plant and data centre;

(5) Did the shareholders or board seek a meeting to discuss the building of a gas-fired power plant and data centre; if so, when;

(6) Did the shareholders call for a risk-benefit analysis of the project; if so, when;

(7) Have the shareholders seen a risk benefit analysis; if so, will the Treasurer present this in the Assembly.

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

(1) ACTEW operates as an independent corporation, under the direction of a board of directors and under the management of an executive management team. Information is passed between the ACTEW Corporation (ACTEW) Board and the Voting Shareholders via a written summary of significant matters discussed at ACTEW Board meetings, which is provided to the Voting Shareholders after each Board meeting, as well as via written correspondence and meetings between the Shareholders and ACTEW representatives.

(2) The Voting Shareholders are the Deputy Chief Minister and myself as Chief Minister. We, or our appointed proxies, have attended all three Annual General Meetings since the 2004 election. These comprise the Annual General Meetings of 2005, 2006, and 2007.

The Voting Shareholders of ACTEW are responsible for the provision to the ACTEW Board of broad strategic guidance. However, the Deputy Chief Minister and myself, as Voting Shareholders, do not generally become involved in the internal everyday

affairs of ACTEW. It would therefore be inappropriate for us to attend the ACTEW Board Meetings. As such, we have not attended any other meeting of the ACTEW Board during the period from 2004.

(3) ACTEW's accountability and reporting requirements are outlined within the *Territory-owned Corporations Act 1990* (TOC Act).

(4) ActewAGL informed me as Chief Minister of a proposal to develop an integrated gas-fired power station and data centre by correspondence from the ActewAGL CEO dated 9 May 2007.

As a Voting Shareholder of ACTEW, an initial briefing about the proposed Tuggeranong gas-fired power station was provided to me via ACTEW's Board papers of 12 December 2007.

(5) The ACTEW Board discussed the gas-fired power station and data centre at its meeting of 12 December 2007. A note to this effect was included in the summary of significant matters discussed at the Board meeting provided to the Voting Shareholders by the ACTEW Managing Director in the December 2007 Board Papers. Cabinet was also briefed on the proposal by ActewAGL on 17 March 2008.

(6) The Voting Shareholders have not called for a risk-benefit analysis of the project. Depending on the level of ACTEW's involvement with, and exposure to, the project, Voting Shareholders may seek advice from ACTEW as to the business case and the costs and benefits of the project. If the Development Application is approved, Government will finalise consideration of the application for a direct sale of the land. That deliberation would be informed by cost, risk and benefit analyses that will be required from the proponents.

(7) As noted above, the Voting Shareholders have not seen a risk-benefit analysis.
