



DEBATES  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY  
FIFTH ASSEMBLY  
WEEKLY HANSARD

3 MARCH

2004

### Wednesday, 3 March 2004

The Assembly met at 10.30 am .....	609
Petition.....	609
Police numbers .....	609
Commissioner for the Family Bill 2004.....	609
Land (Planning and Environment) Amendment Bill 2004.....	613
Social plan for Canberra .....	616
Aged persons accommodation.....	636
Sitting suspended from 12.39 to 2.30 pm.....	644
Statement by Speaker .....	644
Questions without notice .....	645
Bushfires—declaration of a state of emergency.....	645
Bushfires—declaration of a state of emergency.....	647
Bushfires—declaration of a state of emergency.....	648
Housing—debt review committee .....	649
Aged persons residential development—Belconnen golf course .....	650
Bushfires—declaration of a state of emergency.....	651
Child protection .....	652
Students with disabilities .....	654
Child protection .....	655
Gungahlin children’s centre.....	656
Mental health .....	658
Papers .....	659
Supplementary answer to question without notice .....	659
Trees in Nettlefold Street, Belconnen.....	659
Aged persons accommodation.....	660
Mentally ill persons—transportation by police .....	667
Williamsdale Quarry .....	678
Protecting biodiversity in new developments.....	683
Adjournment.....	702
Canberra refugee support group .....	702
Citizenship ceremonies.....	704
Public housing .....	705
Belconnen markets .....	707
Video games .....	708
Assembly adjourned at 6.44 pm. ....	708

**Wednesday, 3 March 2004**

**The Assembly met at 10.30 am**

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

**Petition  
Police numbers**

*The following petition was lodged for presentation, by **Mr Berry**, from 12 residents:*

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 there is an urgent need to retain, or transfer back, experienced community police officers to serve within the Australian Capital Territory. Also the current policing levels are under strength in relation to the national average by approximately 120 police officers.

Your petitioners therefore request the Assembly to call on the minister for police to implement urgent programs to increase police numbers in the ACT and retain or transfer back officers who have community policing experience to serve within the Australian Capital Territory.

*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.*

**Commissioner for the Family Bill 2004**

**Mrs Burke**, pursuant to notice, presented the bill.

Title read by clerk.

**MRS BURKE** (10.33): I move:

That this bill be agreed to in principle.

Mr Speaker, the family has been acknowledged by the United Nations in its Covenant on Civil and Political Rights as “the natural and fundamental group unit of society entitled to protection by society and the State”. Last night we had a debate in this place on the Human Rights Bill and I guess it will be interesting to see how that legislation will work for the rights of the family.

The Australian Family Association summarises the family as being composed essentially of:

3 March 2004

a father, mother and children; in a wider but still necessary relationship, of grandparents, grandchildren, aunts, uncles; a kinship group of human beings linked by ties of blood, marriage and adoption ...

The Australian Family Association holds that:

the family is the basic unit on which human societies are built and is the prime agency for the total development of children, ie the transmission of moral, ethical and cultural values, and for the ongoing social and emotional support for all its members ...

Mr Speaker, never before have we, as a society had such a fight on our hands to save and preserve the roles and values of the family unit. This is, of course, critical to the long-term welfare and wellbeing of children.

It is fair to say that, according to the results of many studies and much research into this area, society should be putting all its efforts into ensuring that children are, as far as is humanly possible, surrounded by the love and nurturing of both a mother and father. Indeed, one Professor Patrick Parkinson, Professor of Law at Sydney University, has widely researched and written much about family law and the indissolubility of parenthood and empirical insights into patterns of parent/child contact after separation. Members may want to refer to a speech delivered by Professor Parkinson at the eighth annual Australian Institute of Family Studies Conference on 12 to 14 February 2003, for which he and research fellow, Bruce Smith, drew upon data from wave 1 of the household income and labour dynamics in Australia, or HILDA, survey.

Federal, state and territory governments need to continue to send clear messages that families do matter. The Australian Medical Association recently held a summit on child abuse and in a media release dated 19 February 2004 they made reference to a report estimating that the long-term human and social cost of child abuse and neglect in Australia is around a staggering \$2,000 million annually. We should also acknowledge the excellent work of the federal government in their commitment to working towards giving greater support to families.

Mr Speaker, there does seem to be a huge push across the country to somehow alienate children from their parents and, in the process, take rights and responsibilities away from the parents, with many states now looking at a commissioner for children. However, I do believe we need to look at the issues surrounding young people in a broader context. This is about looking at the whole, not the part.

To that end, today I have introduced legislation relating to a commissioner for the family. The objects of the legislations are to promote the interests of the family as a unit in society and to encourage government authorities that provide services affecting families or family members to take into account the interests of the family in the provision of those services.

Recommendation 40 of a recent Standing Committee on Community Services and Social Equity report on the rights, interests and wellbeing of children and young people suggests that "the ACT government establish a commission for children and young people with the appropriate powers to enable the full investigation of complaints and to

allow the commission to work effectively”. My colleague, and standing committee member, Mr Greg Cornwell, outlined in his “differing view” statement in the final report that he believed such a commission “could threaten the parental rights and responsibilities of the vast majority of ACT families whose children do not come to the attention of any local authority”.

Indeed, to back that up, in a paper she presented to a state election social policy themes conference, Coleen Clare, the CEO of the Children’s Welfare Association of Victoria, said:

There appears to be a strong belief that the state and the community should not intervene too much, or at least not intervene until things have obviously gone wrong.

William Doherty, President of the National Council of Family Relations and Professor of Family Social Sciences at the University of Minnesota, argues that:

the principal momentum for competent parenting must come, not from a top down state or federal initiative, but rather from diverse families working together in powerful, but non-partisan ways. What is needed is a public, grass roots movement generated and sustained by parents themselves to make family life a priority.

I have a more recent quote from the Chief Justice of the Family Court, Alistair Nicholson, who has argued that Victoria needs to establish an independent commission for children. Indeed, while Alistair Nicholson states that children need a powerful champion, many would argue that children already have one. They are called parents. This is, of course, all well and good if legislators are placing families at the centre of planning and policy. Mr Speaker, I currently think we have a long way to go in this regard.

Coleen Clare went on to say:

It is not only our leaders and politicians that need to place families in a central position. All of us in our families, work and communities need to commit to more supportive ways of living our lives wherein we take responsibility for ensuring that what we do enriches our community and the broader community. We are all players in the journey of living together in families and communities and in raising children.

I strongly believe that government policy, more than ever before, must focus upon delivering early intervention and support to children through their families, through that unit, not apart from their families or that unit.

A commissioner for the family, as opposed to an independent commissioner for children and young people, would ensure that the child’s rights, responsibilities and obligations are considered but not in isolation from the family unit and the parents’ or guardians’ rights, responsibilities and obligations.

Mr Speaker, I have to say I was particularly heartened to hear that the chair of the Select Committee for Health in the New Zealand parliament, Steve Chadwick, a Labor member for Rotorua, shares my view. I was able to talk with him over lunch and he, too, is of the mind that a commissioner for the family is a good idea and is certainly worthy of

3 March 2004

investigation and further consideration. I understand it is an idea that he certainly would support.

We are all well aware of the alarming details emerging regarding child abuse, not just Canberra-wide but nation-wide. There has been a sharp and alarming rise in the number of cases reported—exponential I think we would say. I would suggest that some of these cases could well be due to the pressures on families today, and possibly a lack of support and provision to assist families. Families need practical support. Instead, we seem to be compounding people's problems with heavy bureaucratic procedures or, worse still, costly court proceedings.

My hope and belief is that a commissioner for the family could help in terms of better advocacy for children and families. I am, therefore, mindful that a commissioner for the family would be a strong advocate for assisting children and families as a whole and that the role would not be yet another bureaucratic layer. As Bill Muehlenberg, national vice president of the Australia Family Association, rightly says, "Separating children from their families, or that unit, is a partial cure for the problems of seriously dysfunctional families, but it would be the cause of problems in functional families."

Mr Speaker, I am proposing that a commissioner for the family would act as a mediator and have the power to make recommendations on policy to government, ensuring that such policy was relevant and friendly to the child and the family as a whole and complementing any such other associated policy and organisations seeking to assist families.

We must, as a society, return to placing families at the heart of social planning and policy. It is really simply not good enough to focus on the child in splendid isolation from the rest of the family unit. I believe that if we fail to do this, we will do so at our peril. We need to focus on what will make stronger and better families, thereby ensuring that we equip families with what they need to succeed.

I am sure it has been said before that government needs to ensure that we invest in the long-term planning and support for families. Bill Muehlenberg went on to say:

Support for families must be the priority. Government policy therefore must focus on delivering support to children through their families, not apart from families.

The community can be most effective in helping children only when we direct our support to parents to help them to build better relationships with their family. Any attempt to set up bureaucratic structures—no matter how well intentioned—which even appear to separate children from their families can only be destructive in the long run.

Mr Speaker, that is exactly what I am mindful of here—that we do not set up another bureaucratic structure but that we set up an advocacy to enable families and children to work together before there is resort to court rooms and often nasty and bitter battles.

Mr John Barich, the Australia Family Association state president, states:

Undermining the traditional family has resulted in high levels of family breakdown, domestic violence, child abuse, divorce, welfare payouts, homeless children, juvenile delinquency, illicit drug abuse and suicide, and soaring crime rates.

Mr Speaker, I like what Coleen Clare, the CEO of the Children's Welfare Association of Victoria, had to say in her closing comments at the state election social policy themes conference in October 2002. She said:

Together we can create an environment where families in all their diversity can flourish, where parents can raise children in a supported space where they can grow and develop in the sure knowledge that they are each respected and valued members of their community. Healthy and happy children who grow up supported in strong families are likely to make good citizens. Families must be crucial to the government's vision for Victoria's future.

Mr Speaker, I truly believe the same could equally apply to us here in Canberra. I truly believe it is time that we started to concentrate on the main theme. We talk about rights, we talk about humanity, and we talk about citizens of Canberra. We need to start working on the functionality, or the better functionality, of those units in order to have a better society.

I am asking that this Assembly carefully consider the legislation that I have presented today. I ask that members look through it and that they contact me if they need to know more. It should not be just struck off because it is somebody else's idea. I am open to any further suggestions or amendments—whatever people see fit. I implore members to look at the bill carefully for the good of the whole. After all, we are in this place for the betterment of the majority—indeed, for all the people of Canberra. I ask that members carefully consider the proposal that is before them.

**Ms Gallagher:** Mr Speaker, I note that neither an explanatory statement nor a tabling statement has been provided with the bill.

**MR SPEAKER:** That is a matter for Mrs Burke.

Debate (on motion by **Ms Gallagher**) adjourned to the next sitting.

## **Land (Planning and Environment) Amendment Bill 2004**

**Ms Tucker**, pursuant to notice, presented the bill.

Title read by Clerk.

**MS TUCKER (10.48):** I move:

That this bill be agreed to in principle.

This bill removes from the Land (Planning and Environment) Act 1991 the minister's power to call in development applications. This issue goes back to amendments to the Land Act at the end of 1996 when the government established the position of

3 March 2004

Commissioner for Land and Planning to be a statutory independent decision-maker on contentious development applications.

However, the government did not want to give away too much of its power to influence development proposals and it retained “call-in” powers to enable the minister to call in for his decision what were termed at the time major proposals of territory-wide significance.

Consequently, there was considerable concern across the community about the regular use of this power by the then Minister for Urban Services to fast-track favoured development applications and to avoid third party appeals. What was meant to be a power that would be used in exceptional circumstances only became more and more a part of the normal development approval process.

In October 1999, both Mr Corbell, then shadow minister for planning, and I introduced private members bills to address this issue. I proposed that the call-in powers be simply abolished. The Greens argued then, and still believe, that government cannot have it both ways. It cannot have an independent planning commissioner and an established appeals mechanism through the AAT and ultimately the Supreme Court to deal with contentious developments and then override this process when it suits it.

Mr Corbell voiced similar concerns about these call-in powers at that time but did not want to abolish them. In his bill, instead, he specified criteria for the circumstances in which the minister could exercise the call-in powers, and also included a requirement that the minister table in the Assembly a statement that explained why the call-in power was used.

I did not support this bill as I thought that the criteria he suggested were too broad. The criteria refer to applications that raise a major issue of policy, have a substantial effect on the achievement of the objectives of the territory plan, or would give rise to a substantial public benefit. These criteria can be used, and have been used, to justify almost any development and, of course, the minister’s justifications can never be really challenged by anyone else as the decision is final. However, the then government supported the bill and it was incorporated into the Land Act at the time.

In June 2001 I tried again to amend the act, this time simply to make any decisions called in and made by the minister disallowable in the Assembly. That bill was again opposed by the then government and opposition.

Since the government was changed in October 2001 there have been several more instances of the minister invoking call-in powers. The Hungarian Australian Club in Narrabundah and “The Space” development in Turner are two examples.

**Mr Corbell:** That’s not correct. I haven’t called in the Hungarian Australian Club. That is actually incorrect.

**MS TUCKER:** Okay. Mr Corbell has interjected that he did not call in the Hungarian Australian Club in Narrabundah, so I am happy to look at that again.

It is worth reminding the Assembly that some things have changed in regards to our planning regime. We now have a statutory planning and land authority—more independent, it would seem, than the commissioner established in 1996—with its own planning and land council to provide it with guidance and a team of experts within it. When planning issues are referred to the AAT, the tribunal also now has recourse to planning advice. So some considerable work has gone into fashioning a planning regime that is professional, that is responsive to local interest, that aims to provide adequately for community input—although that is proving problematic for government—and that provides a reasonable level of appeal rights. Given these dimensions to the system we have, why is it necessary for the planning minister to call developments in?

I think the issues surrounding the proposed refurbishment and redevelopment of the Karralika site in Fadden have reminded us of this situation. The Fadden/Karralika proposal was certainly mismanaged from the start. There is no point in picking over the details of the development and communication of this proposal. Suffice it to say that it may have been a more straightforward process had the government not intended to keep it confidential, if all drawings and information that became publicly available were fair and accurate, and if the government and Karralika were able to be upfront with all the aspects of the proposed redevelopment.

There may well have been some opposition to this development and appeals might well have been pursued through the courts, but I would argue that we have such processes in place because we believe there are issues of justice and fairness at play and that any decisions we take as a community in the planning of our social facilities can and should be open and transparent.

The minister's solution to the problems that arose once local residents became aware of the proposal and began to organise against it, was to reissue the application, follow the consultation process, call in the application to rule out any third party appeals, and then seek support from the Assembly. In that way, not only would the members of the Assembly be making a decision that the Planning and Land Authority is better able to make, we would be short-circuiting any appeal process that the residents and others would have recourse to, and we would be voting in a highly politicised environment.

We already have seen with the debate on this development that some opponents are prepared to make invalid assumptions on the nature of the facility, on its social impact, or on its imaginary future. I believe that Karralika's very positive relationship with Canberra's wider community has been damaged by the process; and riding roughshod over any appeal rights in respect to the Fadden site's future development and arguing the toss in a pre-election Assembly are destined to make that much worse.

This bill would remove the power for the minister to call in, and make decisions on, applications for the approval of development under part 6 of the Land (Planning and Environment) Act 1991, so requiring all such decisions to be made by the ACT Planning and Land Authority.

It is fairly simple in operation and is centred on omitting sections 229A and 229B of the Land (Planning and Environment) Act, which give the minister the power to direct the

3 March 2004

Planning and Land Authority to refer to the minister an application that has not been decided by the authority, and for the minister to decide those applications.

This bill also ensures that any development applications that have been called in by the minister, but which have not been decided, will revert to the Planning and Land Authority. But any safeguards that are in place with regard to records of decisions already made by the minister under the call-in powers will be maintained.

Most of the other clauses in the bill simply substitute, for obvious reasons, the term “relevant authority”, which could apply to ACTPLA or the minister, with “planning and land authority”. I commend the bill to the Assembly.

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

## **Social plan for Canberra**

**MS MacDONALD** (10.56): I move:

That the Assembly:

- (1) notes the overwhelmingly positive community response to the release of the Government’s Social Plan, and the initiatives in that Plan that will help Canberrans reach their potential, make a contribution to, and share the benefits of their community; and
- (2) endorses the strategy detailed in the Plan that provides a framework to guide government and community decision making in social policy over the next ten to fifteen years.

Mr Speaker, *Building Our Community: The Canberra Social Plan* was released by the Chief Minister a month ago today. Highlighting the importance we all place on these issues, almost every member of the Assembly attended the launch.

Much has been said and written about the social plan since then, and almost all of it positive. I thought it was best summed up on the day in seven simple words by a Canberra resident from my own electorate—new mother Rosaline Sexton of Kambah. “It can only be a good thing,” she said, and of course she is right.

What have others said, Mr Speaker? The *Canberra Times* said:

The fact that the Social Plan breaks the mould of short-term expediency that characterises so much government in Australia is cause for optimism. It deserves to succeed and influence decision-makers elsewhere.

Daniel Stubbs from ACTCOSS said:

[The] Social Plan ... has at its heart equity and fairness. ACTCOSS congratulates the Government.

Social commentator Hugh Mackay, who will chair our community inclusion board, said:

[This] is an unusual opportunity to work with a political leader whose highest priority is social policy.

2003 Australian of the Year, Fiona Stanley, said:

The idea of a one-stop shop with client focused delivery is pretty exciting. It means if parents come into the centre, everything is in the one place and things can be tailor-made.

Annette Wade, from ACT Shelter, said:

The public housing reforms are great ...

Harold from Campbell, a talkback caller on ABC radio, said:

The ACT Veterans' Memorial—first class proposal.

And Mohammed Omari, the president of the Multicultural Council, said:

[The decision in the Social Plan to build a Multicultural Centre is] an historic and courageous announcement ... This is great news and a great day for the ACT multicultural community.

Mr Speaker, even the opposition leader has been relatively supportive. True, on the day of the launch he was heard to criticise the social plan for having targets. But then he must have remembered that he criticised the economic white paper for not having targets, even going so far as to propose as a matter of public importance on 9 December “The lack of goals and targets in the government’s Economic White Paper”.

Mr Speaker, *Building Our Community: The Canberra Social Plan* is a genuine attempt by this government to ensure that all Canberrans share our city’s good fortune over the coming decade and beyond. In fact, the Chief Minister made the point in his introductory remarks:

It is precisely because most of us are so fortunate that there is no excuse for ignoring those who are not.

I think that gets to the nub of what the social plan is trying to do.

The social plan establishes the following seven social priorities to be achieved over a 10 to 15-year timeframe:

- economic opportunity for all Canberrans;
- respect, diversity and human rights;
- a safe, strong and cohesive community;
- to improve health and wellbeing;
- to lead Australia in education, training and lifelong learning;
- housing for a future Canberra;
- and respect and protection for the environment.

3 March 2004

Underpinning each priority is a set of goals, essentially medium-term commitments and actions—commitments to be achieved from now and for the next five years. These actions are crucial because they give us a kick-start to achieving our longer term social plan priorities.

There is so much in the social plan that it is hard to know where to start but, of course, as always we must start with children. The social plan includes a package of measures to help our children and young people grow up in a healthy, safe and well balanced environment, with:

- increased support for child protection;
- measures to combat the growing problem of childhood obesity, physical and mental health and drug abuse;
- universal hearing screening for newborn children;
- better health for indigenous people through an ear health program for infants and children, expanded midwifery access, and an increase in indigenous early childhood and family support.

Of course, midwifery access is something that the health committee of this Assembly is looking into. I am quite sure that the expansion of that program will be informed by the committee's report when it comes out. I know that the minister said as much recently when he appeared before the committee.

We are also establishing two child and family centres. These will be established in Gungahlin and Tuggeranong and will provide local services, with a focus on support and early intervention, including health, education, parenting and family support services. The child and family centres will replicate the successful integrated service model at the Lyons Bushfire Recovery Centre. We are essentially talking about drawing many key social services under one roof. It will be akin to a Canberra Connect shopfront for family and community service delivery.

Mr Speaker, we also have measures to build a stronger, more cohesive relationship between the ACT government and the Canberra community, renew community infrastructure and facilities, reform community sector funding and help community network-building at the grassroots level.

We are reviewing the effectiveness and coverage of the many concessions we offer to low income earners. As a first step, we will introduce a new concession for households connected to gas; ensure that ACT residents on low incomes are not disadvantaged by energy, water and gas prices; and for households receiving energy concessions we will offer advice on how to improve their energy efficiency.

We are also establishing a community inclusion board to be chaired, as I have already said, by well-known social researcher and commentator, Hugh Mackay. It is a tribute to the depth of this government's commitment to social equity that a person with such a profile as Hugh Mackay wants to be part of it.

The community inclusion board will be a direct source of high level and independent advice to the government on our social priorities. The Stanhope Labor government

makes no apology for restating in the social plan the many commitments we have already made, such as the \$33 million for public and community housing announced late last year.

To keep us up to the mark, the social plan has set five specific targets for the next decade. Those targets are:

- to reduce long-term unemployment;
- to decrease income inequality;
- to reduce primary homelessness;
- to increase the share of young people successfully achieving a year 12 certificate or equivalent in vocational education; and
- to increase the share of adults with a post-school qualification.

All of these targets, of course, seem incredibly worthy but I would like to speak about the last one in particular because, as most people in this place would know, education and training is one of my key interests. The ACT is the most highly educated community in the country and Canberrans continue to have the highest levels of education attainment in Australia. More than 65 per cent of the population aged 25 to 64 years had a post-school qualification in 2003 and 36 per cent of Canberrans in that age group had a bachelor's degree or higher. The Stanhope Labor government recognises the benefits of lifelong learning in strengthening a community's social fabric and wellbeing as well as its economic capabilities.

The government has highlighted its commitment to lifelong learning through its support of the adult and community education program. Adult and community education providers are important avenues by which all members of the community can engage in informal learning. The ACE program provides for training to be customised to meet the needs of community members who have difficulty in accessing more formal training.

In some cases, the ACE learning experience is the first since the person left school and may also lead to formal accredited vocational training. Of course, Mr Speaker, I highly endorse that because, as I have said many times, there are many people in our community who have not undertaken any formal training since the day they walked out of the high school gates 20 or 30 years ago. It can be a fairly intimidating thing, especially if you have had a bad experience in your schooling, to undertake any further formal training. People using the ACE program are encouraged to want to undertake more formal training, and that can only be a good thing.

Enhancing the opportunities for more people to engage in ACE learning experiences, as I said, strengthens the "connections" between lifelong learning, health and wellbeing benefits. The government will continue to support the ACE program as a means of promoting life-long learning and the benefits of skill acquisition.

These goals are not a wish list—they are specific targets with specific numbers behind them. With such a comprehensive set of measures, is it any wonder that *Building Our Community: The Canberra Social Plan* has been received with such overwhelming support.

3 March 2004

Mr Speaker, I would again refer to the words of that young mother, Rosalind Sexton, who, when referring to the Canberra social plan, said:

It can only be a good thing.

She is right; it can only be a good thing. Now is the time to get on with the job of making it happen so that, as the plan says:

All people reach their potential, make a contribution, and share the benefits of our community.

Mr Speaker, I call on members of the Assembly to get behind this plan and give it their full support.

**MR SMYTH** (Leader of the Opposition) (11.07): Mr Speaker, the opposition will not be supporting the motion today simply because we do not believe that there is a strategy inherent in this document. I notice that the second point of Ms MacDonald's motion contains the words "endorses the strategy detailed in the plan". I would have liked to have heard a little bit more about the strategy, and this is one of the great failings of the social plan. All of the groups who were involved said, "Yes, we welcome the arrival of the thing but we want to know how it is going to be implemented, when it is going to be implemented, and how much is attached to it in terms of dollars." The standard government answer to these questions is, "You'll have to wait for the budget."

So I do not believe the social plan is worth endorsing, and I will point out a number of reasons why. I think there is an alarming lack of seriousness about this document. If you go through the various things that purport to be the core of the strategy you will find that 65 actions have been identified in the Canberra social plan. The majority of those are, in fact, as the Treasurer said when talking about his white paper, statements of the bleeding obvious or core business for government. So we have got a strategy to do what we are meant to do. Well, that is a good strategy!

How you can read this strategy and have any faith or confidence in what the government will do is beyond me. Priority 4 of the plan is "Improve health and well being" and one of its goals is "Invest in children and young people". I would have thought the government was doing that now, or it should have been. Another goal is "Meet the health needs of an ageing population". I would have thought that was core business of a government.

Another is "Focus on prevention and early intervention throughout people's lives". Well, surely that is just commonsense. "Improve the good health of the Canberra population and narrow the health gap between the general community and the poor and disadvantaged". Surely we have been working towards that for years. "Strengthening the health of the community through a whole of government approach to health issues, together with community partnerships to develop sustainable social care supports". Apart from the Wally words, surely that is what government should have been doing anyway.

"Promote a better balance between work and family"—hardly a new concept. "Support an active lifestyle at all stages of people's lives"—hardly a new concept. "Improve

mental health and reduce the barriers facing people with mental health problems”. Well, this is something that has been neglected by the government, so at least they have woken up to it. Perhaps the health minister might read that dot point. “Reduce harm from alcohol and other drug use”. That is something that is core business, and has been core business for governments for decades.

Priority 5, at page 13, reads “Lead Australia in education, training and lifelong learning”. One of the goals of that priority is “Reduce inequalities in children’s first five years and improve the transition between home, early childhood settings and kindergarten”. Surely we have been working on that for years. Another goal is “Increase education participation, engagement and achievement of children and young people.” Surely that is core business. “Increase literacy and numeracy levels, particularly for students at risk”. Surely this is core business. Isn’t the government doing this now? This is hardly new.

“Improve the transition between school, further study and the workforce”. Government programs for that have been in place for years. “Provide opportunities for lifelong learning”. Educational facilities in this city have been doing that for a long, long time. So in terms of originality, in terms of commitment to making a difference, I do not believe anyone in this place can endorse this strategy.

Let us get to the real initiatives, of which there are about four or five. The first one is to establish a community inclusion fund and a community inclusion board. Well, when, how much, and what will it do? Where are the details? If this is your plan, how are you going to achieve this? At first blush, a community inclusion fund sounds like a reasonable initiative, but what is the detail behind it? There is none.

The next new initiative is action 3.2, which reads:

The Government will commission and build an ACT Veterans’ Memorial.

I do not have any problem with that at all. I think it is probably a good idea. We have in some ways as a local community been overshadowed by the fact that we have had the national war memorial, the Australian War Memorial, here since 1941 and people have made that their place of pilgrimage. But in terms of building up local community, it is a good idea. In fact, it will build on the gateway at the entrance to a local memorial at Tuggeranong. Also, Eddison Park was dedicated to the Eddison boys as a local memorial for the veterans of Woden. The ACT veterans’ memorial will be build at Legge Park in Latham, where the former homestead site of General Legge has been dedicated as a place for veterans in Belconnen. So it is a good idea but it just builds on the past.

Action 3.11 proposes that the government will institute a Canberra gold award for people who have lived in the ACT for 50 years. I think that is a great idea—well done on doing that. It will affect a few people, it is probably a feel-good thing, but how it builds our community and how it reaches some of the other targets is hard to know.

Apart from those actions, there are not really any original thoughts or initiatives in this document that would lead me to endorse it. This government wants to be able to say, “But the Assembly endorsed our strategy. They said our strategy was the good strategy.” Well, we have not been asked. It has not been put to us. We have not had a real debate. Instead, we get the standard glib Labor Party government backbencher motion to fill up a

3 March 2004

bit of time on a Wednesday morning in order to push out issues that crossbenchers and the opposition want to raise.

There is a serious lack of timeframes and targets. There are four targets and timeframes at the very back of the document, and they all seem to want to be judged by about 2013. It is a long time away. Almost 10 years from now this will be a forgotten document. I think this shows the lack of dedication to building up the city.

Last year I attended the national health summit at which one of the presenters said that you could track the change in people's health and education and other areas of social interest in 12 to 18 months. He said that targets should be set for early intervention that will reap not only a health reward but a long-term economic reward to the community; that within about 12 to 18 months you should be able to be seeing the trend appear if you set yourself targets. What the government is saying by setting just four targets with such long timeframes is that they are unwilling to try, they do not have the answers, or they do not have the commitment to achieve these targets.

The four targets set are: reduce long-term unemployment by 2013; decrease income inequality by 2013; reduce homelessness as close as possible to zero by 2013; and increase to 70 per cent the proportion of adults with post-school qualifications—this target does not seem to have a date. So if we are serious, these targets should be implemented with timeframes of two, four, six, eight and 10 years. Yes, you need a long-term target eventually but you should have measurable steps along the way, and that does not appear in this plan.

It is interesting to note what the government says, for instance, about actions 5.3, 5.6 and 5.7 on pages 51 and 52. The glossies and the promos talk about inclusion, building up, equity, and everybody getting involved, and yet actions 5.3, 5.6 and 5.7 concentrate on the government school sector. Oddly enough, I cannot see a mention at all in this document of the non-government sector, and I think that is a shame. It is a shame when, according to a document the P&C gave me the other day, 46.5 per cent of year 7 to 10 students in our high schools are now in non-government schools. Yet, those 46.5 per cent of students do not get a mention in this document. So much for inclusion, so much for equity.

Action 4.2 at page 45 reads:

The Government will put in place a package of initiatives to promote good health in children and young people, including: Advice on food and nutrition, fitness and health and other measures ...

We have had a report from the health committee about this, but there has been no action. Where are the targets? The previous government actually had a tender out that would have tracked the health of young students in our school system. The first action of incoming education minister Corbell was to knock it off. The tender was shut down because we did not want to do it.

Action 4.2 is saying, "We'll put in place a package of initiatives." If you do not know what the problem is, how are you going to fix it? And if you want to fix it, why would

you knock off a program that would have given you some indication of the health of our young people? Again, the inconsistency is astounding.

Action 3.8, at page 39, says:

The Government will implement an ACT children's plan to provide a more focused and strategic approach to policies and programs that support the health and wellbeing of all children in our community.

I think that is subject to a big debate at the moment. Action 3.9 reads:

The Government will ensure we better care for our vulnerable children and young people ...

This is the source of a huge debate and we note that more money has gone into it recently, which is welcome, but there is more work to be done. But, again, there is no direction of how and no target is set.

I have to say, Mr Speaker, that the next action relates to a personal favourite of mine—the events backflip. Priority 3 is “A safe, strong, cohesive community”. The third action and government commitment under this priority, which is set out on page 12, reads:

More effectively support events surrounding significant days of the year such as Canberra Day, Australia Day and New Year's Eve, as important opportunities for the community to celebrate its city, people and culture.

The reason they are going to have to more effectively support such events is because they have gutted the funding to them. Australia Day in the nation's capital got no funding, the fireworks were taken away from New Years Eve and we are yet to see what they are going to do with Canberra Day. It is just amazing that this is now a goal when in fact these events have not been supported because of the direct actions of a government that does not care.

The important thing we are discussing here today is whether or not the Assembly will endorse such a document. It is not our document—it is the government's document, it is the government's social plan. I think it is interesting that they come in here seeking the endorsement of the Assembly. It is their plan and it should stand as their plan. If they want us to be bound by their plan, why weren't we asked to make an input, why weren't we consulted more?

They will say, “Oh, but there was consultation. The opportunity was there for everybody to be part of it.” The document that we have got is a document that could have been written without any consultation at all. The plan talks about building a more inclusive society. Well, where is the government's action on aged care? Where are the 255 aged care beds that have been granted to this territory in the last three years? Where is the action on that? Where is a target that says, “We will build all our aged care beds in the year that they are issued”? I do not see a target like that; I do not see the real and meaningful target that somebody who is waiting for an aged care bed would look for.

Mr Speaker, the Canberra social plan is a collection of glib lines, of feel-good statements, of statements of the bleeding obvious, and of the core activity of government.

3 March 2004

That is not a social plan. All this is a glossy; this is an excuse for not doing anything. So you have a report, you say you are going to implement something, you are going to come up with a plan that will have a strategy and some goals, but you use it as an excuse for no activity over 2½ years. And over 2½ years that is what we have had from this government—inactivity.

What we see from this government is a lack of decisiveness. They have not set themselves serious goals. I said that this is just more hot air from the chief windbag. Go back to about 1987 when Mr Hawke, the then Prime Minister, said no child shall live in poverty by 1990. It reeks of the same sort of thing—nobody shall be poor, nobody shall be disadvantaged, nobody shall be uneducated, nobody shall be left out, nobody shall be not included. Tell us how, tell us where, tell us when. Tell us what you are going to fund so that we can have some faith in that.

All we get are four targets. They are important targets—to reduce long-term unemployment, inequality, homelessness, and increase qualifications—but they are irrelevant because of the timeframes that have been attached to them, and they are made irrelevant by the lack of action and the lack of decisiveness in this document.

This is a document two and a bit years in the making. It is just another glossy from a glossy government—that is all it is; it is just gloss because there is no substance in it. These are all statements of the bleeding obvious, these are all statements of things that government should do anyway.

Mr Speaker, some of actions in the document are a reiteration of election commitments that were made more than two years ago, and some of them are a reiteration of things that the government has been possibly doing already. That is not a plan; that is not a strategy. Yes, there was an opportunity and we are told that the community is saying, “Yes, we welcome it.” If you want to put out a press release saying that the community welcomes it, that is fine. If you want to see that as a glowing endorsement, go for your life. But the overwhelming sense we get from the community is that the jury is still out. We obviously now have to wait for the budget process. The pressure is on because there are other competing plans to be funded. We will make a real determination when we see the bucks.

**MR CORBELL** (Minister for Health and Minister for Planning) (11.22): Mr Speaker, I am going to speak only briefly today. I want to rebut some of the arguments that Mr Smyth has made in this debate. I think the Liberal Party must be the only organisation in this city that has criticised and been negative about this document. Every other sector in the community has said, “This is the right thing for the government to be doing.” Perhaps this is because the Liberals just do not understand what strategic planning is about. Perhaps it is that they just do not understand how you put together a long-term framework to guide the future development and growth of our city.

Of course, perhaps that is indicated by the failure of previous Liberal administrations to even get close to producing a comprehensive plan for the future of Canberra. They had a couple of goes. Kate Carnell had a couple of big talkfests at Old Parliament House. It all fell in a heap in this place. The Assembly knocked it on the head. It said it was not a good idea, that it was poorly worked out and that it did not have the social component, for example. The Liberals never attempted to put together some social planning

framework for the city. They had a bit of a go at an economic one, as you would expect. They did not even bother about trying to have a spatial one that looked at how we use land in this city.

But this government has delivered. This government, for the first time in the history of self-government, has put together a comprehensive strategy that looks at our economic growth, that looks at meeting our social needs, that looks at how we use land to address those issues, and that, in an overarching way, applies the sustainability principle to those decisions. That is the sign of a government with a long-term vision for the future growth and development of our city; that is the sign of a government that is prepared to take the long-term view.

You would think that Mr Smyth almost sees it as a sin to take a long-term view on the future growth and development of Canberra—that it is unacceptable for governments to take a long-term perspective, to look beyond the electoral cycle, to look beyond the immediate prospects of whether or not a government will be re-elected, and to aim for and set in place strategies that will inform not just this government but future governments.

That will be the real test of these documents, and that is why the government has made such an investment in them. It is not just about informing our initiatives and our proposals in our electoral cycle, it is about informing future government decision-making now and into the future, regardless of who holds office. That is how these documents will really be tested, and I am increasingly confident that they will stand that test.

Mr Speaker, the social plan is just one part of a three-part plan the government has developed for the future of Canberra. This is the first time in the history of self-government that a government has sought to put together a long-term vision for the future of Canberra and the future for Canberrans.

The social plan itself is not just the assertion of some broad wide ranging aspirations that our community has. It does do that, it needs to do that, and any good policy document must be based on that. But it goes further than that. It does have the implementation that Mr Smyth quite misleadingly laments. For example, the establishment of child and youth centres in Gungahlin and Tuggeranong is a practical demonstration of providing the support and the—

**Mr Smyth:** Point of order, Mr Speaker. Mr Corbell said “quite misleadingly” in reference to things that I have said. I understand that if you want to use the word “misleading” it must be done in a substantive motion and I would ask that he withdraw it.

**MR SPEAKER:** I think Mr Corbell was referring to comments made out in the community.

**Mr Smyth:** No, Mr Corbell was referring to my speech here, Mr Speaker.

**MR SPEAKER:** Well, Mr Corbell, if you imputed that Mr Smyth misled, I would ask you to withdraw it.

3 March 2004

**MR CORBELL:** I didn't assert that Mr Smyth misled the Assembly.

**MR SPEAKER:** I will have a look at the *Hansard*. I didn't pick up the—

**Mr Smyth:** As will I, Mr Speaker.

**MR SPEAKER:** I will come back to the Assembly.

**MR CORBELL:** Mr Speaker, these are concrete demonstrations of the government's preparedness.

Mr Smyth made some rather disparaging comments about the Chief Minister. Of course the term "Leader of the Opposition" for Mr Smyth is a bit of a misnomer really—he should be the "Misleader of the Opposition". That is really who he is, Mr Speaker.

**Mr Smyth:** Again, Mr Speaker, this is the standard sneaky tactic of Mr Corbell. If he wants to say that I have misled somebody, he should move the substantive motion.

**MR CORBELL:** I did not suggest you misled the Assembly, Mr Smyth.

**MR SPEAKER:** Well, you said the misleading Leader of the Opposition, I think.

**MR CORBELL:** I said the "Misleader of the Opposition".

**MR SPEAKER:** I think it is a play on words.

**MR CORBELL:** For the sake of the debate, I am happy to withdraw the comment.

**MR SPEAKER:** Thank you, Mr Corbell.

**MR CORBELL:** Perhaps Mr Smyth would withdraw the comment that he made about the Chief Minister, but, of course, he does not have the courage to do that.

**Mr Smyth:** Point of order, Mr Speaker. If Mr Corbell thinks that there is a comment that I should withdraw then he should ask for it to be withdrawn. When I spoke, nobody raised any objections that the form of this place—

**MR SPEAKER:** By the sound of this, I am going to be reading *Hansard* all afternoon. I will have a look at what you said in relation to the Chief Minister, too. But please let us get on with the debate in a parliamentary fashion.

**MR CORBELL:** Mr Speaker, as I said, he should have the courage to do that, but, of course, he does not.

We have identified in the social plan the fundamental and key issues about equity and capacity for citizens to participate in our community. Those are issues around access to shelter; access to support if they face disadvantage, whether that is through health or through economic and social circumstances; identifying those who are more vulnerable

in our community; identifying those who need early intervention and support; and putting in place mechanisms to address those. They are wide ranging in their strategy.

For example, Mr Smyth did not, of course, assert—because it would completely undermine his argument—the value of the community inclusion fund. This is a fund designed to be chaired by eminent people. I think it is an enormous endorsement of the government's strategy that Dr Hugh Mackay, one of the pre-eminent social commentators on disadvantage in our society, has agreed to chair that fund. He will contribute his experience to the community of the ACT on how the dollars in that fund can be used to address disadvantage in our community and to encourage greater inclusion and greater citizenship in our community, and I use "citizenship" in the broadest possible sense.

That is just another demonstration of the capacity and the strength of this document. Of course, there are many more. The plan identifies issues around those who face particular disadvantage. For example, the plan refers to assistance to indigenous children who, because of the social and economic circumstances that they and their families face, have far higher rates of preventable hearing impairment, which means that they drop out of school earlier. They face a cycle of unemployment and disadvantage because they are not able to obtain a good education. The plan identifies basic things like that. We are putting in place steps to address that issue. You would have thought that work would have been done years ago, but it is only as a result of this plan that we are doing it now. So, again, we are seeing concrete, tangible outcomes on the ground.

Of course, who can forget the extra \$33 million that the government is putting into public housing in the ACT—an extra \$33 million which has been committed and is going into improving housing in our community? That is a singular achievement on the part of the government—one which I think will be regarded for quite some time as a very significant commitment to public housing in our community.

Mr Speaker, all of those things demonstrate that the government has both a short and a long-term objective with this plan. As with all of our plans—whether it is the spatial plan, whether it is the economic white paper—we have put together a tangible long-term strategy, a strategy which will influence decision making, we hope, for many years to come and, given the endorsement of the social plan as received, there is every indication that that will be the case.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.32): Mr Speaker, *Building Our Community: The Canberra Social Plan* is a genuine attempt by the government to ensure that all Canberrans share our city's good fortune over the coming decade. Canberra, as we know, is a place of which we can all be proud. By almost any measure, we live better than people in every other Australian state or territory. We are younger, richer, healthier, fitter, closer to our community, more open-hearted and safer.

What is more, as we know, we are better educated, we smoke less, we go to more cultural and sporting events, more of us own shares and few of us face financial stress. And we are time rich. More Canberrans find it easier to travel around our town than do people faced with travel elsewhere. So the question may be asked: why a social plan?

3 March 2004

The social plan does acknowledge our success. It is about ensuring that we keep doing the things we do well, that we continue to enjoy Canberra's diversity, its cultural facilities and its open spaces, and that we raise and educate our children in the best environment possible—a safe, healthy and cohesive community.

It is about much more than that. It is also about addressing the causes and results of social exclusion and poverty, the things that prevent some Canberrans from participating in our community to the extent that most of us take for granted. We cannot pretend that we have no poverty. We cannot pretend that there are no people who sleep rough night after night. We cannot pretend that we have no crime, no drug abuse, no children who struggle to write their own name, no abused women, no parents desperately worried about what will happen to their intellectually disabled children when they are too old to look after them, and no loneliness.

It is precisely because of our wealth and our good fortune that we cannot tolerate the existence of social exclusion in all its manifestations. The priorities and goals of building our community, as set out in the Canberra social plan, reflect this reality, emphasising the importance of helping Canberrans in need so that we all reach our potential, make a contribution and share the benefits of the community.

Mr Speaker, the Canberra social plan is one of the three elements of the Canberra plan. It is a plan for the next 10 to 15 years, with specific targets for 2013. That year was chosen because it is Canberra's centenary, and what better way to celebrate an anniversary than with the virtual elimination of primary homelessness, with lower long-term unemployment, with greater income equality and with a better educated community.

This year, at the same time as we enact Australia's first human rights act, we celebrate the 150th anniversary of the calls for equal rights by the miners of Ballarat at the Eureka rebellion. In an echo of those Eureka miners' cry for freedom, the Canberra social plan includes a human rights act for the ACT—something that is fundamental to the delivery of our social plan.

While the Human Rights Act focuses on civil and political rights, building our community will be the primary means of delivering economic, social and cultural human rights, the right to an adequate standard of living, the right for the highest attainable standard of health, the right to education, the right to work and enjoy just and favourable conditions of work, and the right to participate in the cultural life of the community.

The social plan is ambitious in its scope and objectives. It is no short-term panacea, nor is it an exercise in dreaming. It sets priorities for a decade or more and commitments for now and the next five years to make sure we get there. These commitments include increased support for child protection, universal newborn hearing screening, expanded Aboriginal midwifery access, new child and family centres in Gungahlin and Tuggeranong, a new gas concession for low income earners, a community inclusion board to be chaired by respected social commentator Hugh Mackay, and long overdue recognition of Canberra's pioneers.

I am pleased, Mr Speaker, to be able to announce today that this weekend we will be advertising for expressions of interest from the community for appointment to the community inclusion board. The social plan includes specific targets for education,

income equality, homelessness and long-term unemployment, and it brings together into a coherent whole much of what is already underway.

Mr Speaker, *Building Our Community: The Canberra Social Plan* is an expression of the government's vision to build a place where all people reach their potential, make a contribution and share the benefits of the community. It is a statement of what we want to become in the future, a framework to guide a generation of decision-makers in the territory. It is a vision of a strong community—one that celebrates the spirit and character of its people, a city which has not only recovered but is moving forward, a city whose people know they belong and, because of that sense of belonging, are generous in their desire to make a contribution.

Mr Speaker, as indicated in the motion moved by Ms MacDonald, the community has been overwhelmingly positive in its response to the release of the government's social plan, and indeed, other aspects of the Canberra plan. Letters, responses, meetings and representations to me and to my office are fully supportive of all of the initiatives in the plan. They share with the government our view that the plans, as presented, which will be implemented and to which we will commit, will go an enormously long way to ensuring that people in Canberra reach their potential and make a contribution to and share the benefits of this community.

That is the view of the community sector. I met just yesterday with Daniel Stubbs and Robyn Brown from ACTCOSS. They repeated again their willingness and their excitement at the prospect of working with the government in the implementation of the social plan, and indeed the Canberra plan, as an overall, overarching, cohesive, strategic plan for the future of Canberra. That is the view that has been expressed to me by all of the community organisations that the government has worked with over the last two years in the preparation of these plans.

These plans were fully consulted on with the community sector, and they are fully supported by the community sector. The community sector's response, as I say, reflected just yesterday in my latest meeting with ACTCOSS, is one of full support and a willingness to work with the government. As acknowledged by Robyn Brown and Daniel Stubbs yesterday, this is the first genuine attempt by a government to plan cohesively for Canberra across the board and, in doing so, acknowledge the importance of social planning.

So I commend this motion. It has the broad support of the community. The government is committed to it; we are serious about it. We are doing the hard work through the planning processes; we are doing the strategic planning that is necessary. We are prepared to commit to it, we are open about it, we are consultative about it, we genuinely want the results and we are prepared to commit to them.

**MS TUCKER** (11.39): I welcome this debate. It is indeed very important that we have further opportunities in the Assembly to talk about this government's approach to social planning. The ACT Greens, as members are aware, have been calling for a social plan for a number of years and various committees of the Legislative Assembly have also included recommendations to that effect.

3 March 2004

This call came about because it was clear that many ACT government policy and funding decisions were not based on evidence or an understanding of the reality on the ground for people using services or the workers delivering them; nor were they made with any concern for long-term sustainability. Instead, politics, media pressure groups and the electoral cycle are often the major determinants of decisions. While all these players are important, it is also essential that they all have an opportunity to see as much as possible what the reality is in terms of community needs and resources, and that is about evidence and data being collected.

A social plan can set out the aspirations of the community, in addition to information including statistics, current and projected unmet need and a strategic policy and action plan. It should have a central role in identifying the areas of social need and determining priorities for action, as well as describing implementation, evaluation and monitoring processes, and this document falls short at that level. For example, the legislation in New South Wales requires all councils in New South Wales to develop a social or community plan and report on identified access and equity activities in their annual reports. Essential components of these plans include a demographic profile of the community; a needs assessment across a range of priority issues developed using a participatory process; information about specific target groups which must include children, young people, women, the aged, people with disabilities, Aboriginal or Torres Strait Islander peoples and people from culturally and linguistically diverse backgrounds; assessment of previous social plans and recommended actions.

These requirements are a useful structure for guiding the social planning process and I will be interested to see what framework the government has created for reviewing the social plan in the future. I believe it is essential that a gender perspective is brought into the development of the social plan and that there is a gender auditing criterion process against which the plan can be checked. It was disappointing to hear the Chief Minister's response to my question on this in the public hearing of the Public Accounts Committee in December 2003 when he basically dismissed the need to integrate the gender perspective into the plan. Just referring the plan to the ACT Office for Women is not adequate. Gender based analysis should be integrated into all policy and practice, as was recommended in the status of women report in November 2002. It is also important that such an analysis include different groups of men and women within the community, such as indigenous peoples, people who are other than heterosexual and people who are from culturally and linguistically diverse backgrounds.

I am pleased to see the introduction of poverty proofing, which is a process by which government agencies assess policies and programs at design and review stages in relation to the likely impact they will have on poverty and inequalities that are likely to lead to poverty. This concept can also be applied to a gender audit to review whether policies will have a particular effect on a particular gender. For example, one area where you can see this should be applied is housing. We are really pleased to see in the social plan that the government has committed to increasing the supply of public and community housing in the territory, and I welcome this announcement, as I did the announcement of an additional \$33 million for the sector, and hope this is merely the beginning of more contributions and growth in the social housing sector.

It is certainly important in an area such as this to have a gender audit and analysis because, if you understand the impact of poor housing availability on both men and women and different groups of men and women, clearly that then gives you a much better opportunity to design properly the strategy to deal with accommodation issues and to use resources in the best way properly, because you understand the detail of the need.

I will make a couple of comments on the motion. I have circulated an amendment which deletes the word “overwhelmingly” in the first paragraph so that it will now read “notes the positive community response”—and I agree with the Chief Minister and Ms MacDonald that it has been a positive response on the whole, certainly from ACTCOSS and the constituency of the social sector in the Canberra community. But I am a little concerned about saying “overwhelmingly” because that is a value judgment that I am not prepared to make. I have not been overwhelmed. I have been pleased, though, to see the positive community response, but I have also received concerns and I definitely have concerns about the structure of this social plan, which I have just talked to briefly, in terms of its lack of implementation, detail, monitoring, evaluation and so on.

The actions are very weak in a number of areas. Ms Dundas is going to move an amendment to say that we endorse the goals of this document, which I am very pleased to do. I do feel uncomfortable endorsing this whole document because, as I said, I think it is quite weak in certain aspects. But I think it is a great opportunity to endorse the goals and I commend the government for putting these goals up front in the way that they have. It is not something I have seen done by previous governments. It is a document that the Greens will hold this government and the next government, if it is a Labor government, accountable to. So I think it is a great opportunity to say, “Yes, we accept this as your policy statement and your overall goal in terms of social sustainability and environmental sustainability”—I will talk about that a bit later—“but there needs to be a lot more detail and work done so that we can hold you accountable to these claims which do receive a general positive response from the community.” Why wouldn’t the community be grateful to see a government put forward goals and priorities such as economic opportunity for all Canberrans; respect diversity and human rights; a safe, strong and cohesive community; improved health and wellbeing; lead Australia in education, training and lifelong learning; housing for a future Canberra; and respect and protect the environment. It is hard to disagree.

It is nice to see goals for five to 10 years, although they are very general:

Reduce poverty and exclusion for vulnerable people

Maintain Canberra’s status as the State/Territory with the lowest unemployment rate

Reduce long-term unemployment and the level of unemployment experienced by vulnerable groups towards the ACT average

Provide opportunities for older people to remain in, or return to, the workforce

Identify Canberra as an Australian centre for excellence for turning ideas into income

3 March 2004

Increase economic opportunities and encourage creativity and innovation.

Obviously we would endorse those goals, as you would the goals that are listed here beside all the priorities. But, as I said, what we do not see is how we are going to do that. For example, let us have a little look at the environment and greenhouse issues. Under “Actions” it states:

The Government will:

...                    ...                    ...                    ...                    ...

Review and update the ACT Greenhouse Strategy and undertake research to better understand possible risks and implications for the ACT resulting from climate change.

That is really not doing very much. Okay, we are going to do some more research; I really support that. But we would like to see targets, we would like to see actions, we would like to see the government not building a freeway, and we would like to see the government actually doing research which shows us the contribution that we are making as a territory to greenhouse, particularly looking at the contribution of transport, and then rethinking its position on transport planning.

Water is also mentioned in here. I asked a question on notice about how the government is working with water conservation. I asked particularly whether it was looking at what Queanbeyan did with the Waterwise program. The answer was something like, “Well, that’s not Canberra; it’s different, so we wouldn’t really research that.” I guess I could have asked the question differently and asked, “Have you looked at Queanbeyan and would you like to consider doing something similar here?” I felt that the answer was really quite disrespectful of the importance of the question, when we know that Queanbeyan has saved so much water. For the government to just say, “Well, you know, it’s a different place,” without any analysis of our capacity to save water, and when we know how many not only residences but also clubs and commercial buildings built in the sixties do not have water-saving appliances—we know that we have the potential to save so much water and we know how much the government says it does care about this issue—it is pretty insulting. I would like to see in a social plan something that actually had targets such as—

**MR SPEAKER:** The member’s time has expired. Ms Tucker, would you move your amendment before you sit down.

**MS TUCKER:** I move:

Paragraph (1), omit “overwhelmingly”.

I seek leave for a short extension of time.

Leave granted.

**MS TUCKER:** I have two other brief points that I want to make. I have had serious concerns about the viability of the community sector in the ACT. The release of the

community sector funding policy appears to be a step in the right direction to change the relationship between community organisations and the government. We are pleased that the government has committed to introduce multiuse service agreements and to collaboratively develop guidelines for the pricing of services and the management of contracts. I will be interested to see the impact of this policy on the community sector.

I have a quick comment on the Community Inclusion Board as announced in the social plan. The Greens' preference would be that the Assembly have access to this Community Inclusion Board. What we do not want to see once again is key people in the community basically being co-opted by government. I have seen that happen over the years, with previous governments as well. If you are going to bring in these key people who do have so much expertise to inform government, do not make it just informing government, and especially do not make it working to the bureaucracy. Make them available to the Assembly. That way it is open and transparent and we can all benefit from the expertise and the debate is open and public.

My last comment, and it is an obvious one, is: how does this plan fit together with the other plans—the economic white paper, the spatial plan, the common Canberra plan? It is really quite a challenge for the government to show us how these plans are going to fit together. I would say that the main concern that the Greens have here is that, when difficult decisions need to be made in the future, what tradeoffs are going to be made between each of the three goals of sustainability: economic, environmental and social.

**MS DUNDAS** (11.52): I will speak to the substantive motion as well as Ms Tucker's amendment, and once we have dealt with Ms Tucker's amendment I will be moving my own amendment. I will start by saying that I was actually considering voting against this motion. I am generally supportive of the concept of a social plan and the aims contained within the social plan, but I do not think it is necessary for the government to indulge in this sort of self-congratulatory backslapping, particularly when we are talking about this particular document, the social plan.

Generous press is not a measure of success; achieving real goals and outcomes is. The social plan is part of the broader Canberra plan, making up the Canberra plan with the economic white paper and the spatial plan. But the social plan has been through the smallest amount of consultation and is out there in the community for the smallest amount of time. It received, I believe, less thought compared to the spatial plan or the economic white paper. It is, on the face of it, mostly a regurgitation of current government policy wrapped up in some nice rhetoric. So it appears to be an exercise in marketing rather than a commitment to improvements in social policy. I am disappointed to see that the government will not put its money where its mouth is and attach timeframes and costings to some of the proposals contained within.

I particularly support and welcome the development of child and family centres, the multicultural centre and the community inclusion fund. But the people of Canberra have no idea when they will see these benefits, or how much the government will invest in them. I also think it is unfortunate that the chair of the Cultural Inclusion Board has been appointed without any community consultation. I do not want to make any disparaging comments about Hugh Mackay; no doubt he is an eminent and leading social commentator, but we did not have any discussion about whether or not somebody who does not live in Canberra is the right person to chair the Cultural Inclusion Board.

3 March 2004

I think it is also ironic that the Chief Minister has nominated his Human Rights Act as a central element of this plan but last night refused to include the rights of education, health, housing or freedom from hunger in that Human Rights Bill.

We are yet to see any detail to back up the hype about the flagship commitments to the rights of children, and I note from reading the social plan that it seems to have been developed quite outside of the debate that is happening at the moment in relation to child protection. It seems to have been developed outside the work done by the community services committee into the rights, interests and wellbeing of children.

Again I come back to the point that it appears that this social plan has been developed in complete isolation of all the other work that has been going on in the ACT. The social plan nominates something along the lines of 50 goals, but it only includes four targets, which are buried at the back of the document. The Chief Minister has refused to attach any meaningful targets to the vast bulk of the goals. Without this, the plan has no costings or timeframes. So I cannot endorse the strategy, as Ms MacDonald would like us to do, as it is a strategy without any detail, without any costings, without any timeframes. It is a blueprint for the next 10 to 15 years, but with no implementation plan, with no strategy. Are the child and family centres to be built next year or in 2014? Are the increased concessions on electricity, water and sewerage bills for people on low incomes coming in the next budget or the budget in 2010? There is no strategy here to endorse.

So I am flagging in debate why I am seeking to move that we change it from “strategy” to “goals”. I am happy to endorse the goals that talk about reducing poverty and about meeting the health needs of an ageing population. They talk about increasing the supply of public and community housing in the territory, enhancing Canberra’s liveability, recognising the importance of the environment to the overall health of the community and promoting and supporting the role of carers. These goals are all statements of attainment that we can support, but there is no strategy contained in the social plan. How can we endorse a strategy when we do not know what that strategy is?

It appears that the social plan has been another costly exercise so that the government can give the appearance of doing something but in reality leave things for another day. We have a spatial plan, a draft social plan, a transport plan, a non-urban use plan and countless studies, and we await the launch of the Canberra plan which supposedly ties them all together. I hope that Canberra plan does involve some implementation strategies.

The aims of the social plan are noble, and some of them are even bold. But plans without ways forward become a summary of what you have but not what you need to be doing. The visions of this plan are let down by a lack of commitment to follow through and this is what condemns this plan to be nothing more than a public relations exercise. So, whilst I am happy to support the goals, I cannot support the missing strategy, and I support Ms Tucker’s amendment to remove the word “overwhelmingly” because I think we have highlighted in this debate the number of flaws and concerns that the community has with the Canberra social plan as it was tabled by the government.

**MR SMYTH** (Leader of the Opposition) (11.58): The opposition will be supporting both of the amendments. We agree with the removal of the word “overwhelmingly” because, while the social plan has been welcomed, or its release has been welcomed, it is not the glowing endorsement that the government would have people believe it is. We also agree with Ms Dundas’s amendment. I do not believe the opposition can endorse the strategy. But I do not believe anyone cannot endorse the goals. They are goals—and indeed perhaps more goals should be in the document.

Amendment agreed to.

**MS DUNDAS** (11.59): Mr Speaker, I seek leave to move the amendment circulated in my name.

Leave granted.

**MS DUNDAS**: I move:

Paragraph (2), omit “strategy”, substitute “goals”.

I believe I have discussed this at length in my previous speech on this topic. As I said, I think we need to support the goals, but it is hard to support a strategy when it is nonexistent.

Amendment agreed to.

**MS MacDONALD** (12.00): I believe it has been an interesting debate or discussion on the social plan. The government of course do not oppose either of the amendments and I want to say that the social plan as a document is actually part of the starting process; it is not the completed process. It is my belief that you need a framework to start with, so I applaud the fact that we now have this framework to work on.

I would like to make some comments about what some of the speakers said this morning. Mr Smyth started by saying that he would oppose the motion in the first place. With him having supported the amendments, I will be interested to see whether the opposition are still going to oppose the motion as a whole. I might be going out on a bit of a limb here when I say this, but Mr Smyth said something about Mr Quinlan being asked about the economic white paper and there was a comment about “statements of the bleeding obvious”. Mr Smyth seems to have a habit of quoting out of context, and often without providing full information to the rest of the Assembly or the committee. I have often found this and I find it quite frustrating when he does that.

In terms of making statements of the bleeding obvious, while the Treasurer may well have said that, my take on it would be from a different perspective. Several years ago I made a similar comment, although I was a schoolgirl at the time so I did not use such language, Mr Speaker, as you would appreciate. I made the comment that something was very obvious and why would you want to write it down. The comment that was given back to me was, “Well, people may be aware of it, but until it is actually put into writing it is not crystallised.” I think that is a very important point: until something is put in writing it is not necessarily crystallised.

3 March 2004

One of the best things about the social plan is that it moves away from the approach of adhocery. With all three documents, it is about moving away from adhocery. It is about putting down the information. Yes, certainly some of it may be quite obvious, but it is important to state those things that are obvious and to start forming the framework. As I said before, this document is the start of a framework and I think it is a good thing. So I commend the motion. I thank the speakers for their comments and I urge the Assembly to vote for the motion.

Motion, as amended, agreed to.

## **Aged persons accommodation**

**MRS DUNNE (12.04):** I move:

That this Assembly calls on the minister for Health and the minister for Planning to table by the adjournment of 4 March 2004, a list of applications along with the type of accommodation and the number of Commonwealth bed licences, if any, to come before the government since January 2002 in each of the following categories:

- (1) applications for land allocations for aged persons accommodation;
- (2) development applications for aged persons accommodation;
- (3) proposed developments for aged persons accommodation in pre application discussions or the high quality sustainable design process;
- (4) proposed developments for aged persons accommodation which have been withdrawn since January 2002 and the reasons for their withdrawal; and
- (5) proposed developments for aged persons accommodation which were rejected by the government since January 2002.

This motion calls on the Minister for Health and Minister for Planning to table by the adjournment tomorrow a list of applications and the types of accommodation and the number of Commonwealth licensed beds, if any, in relation to a number of categories of applications and the like. When this motion was first drafted, I had asked that the Minister for Planning and the minister for responsible for ageing should get together to do this, because it is the understanding of many in this place and across the territory that the Chief Minister has some role in ageing. The Chief Minister's Department is currently putting out glossy brochures telling members of the community what is happening in ageing or what is not happening in ageing and I and members of the opposition would like some ownership of this issue by the Chief Minister as well. But it seems that, although the Chief Minister is putting out publications about what is happening in ageing, when it comes to the crunch he has no ministerial responsibility for it.

I suppose that goes to the heart of why the opposition are moving this motion today. This motion is about getting information which seems to be intangible, amorphous, constantly changing. It reminds me of a media commentator, who still haunts this place from time to time and who, back in the First Assembly, referred to his inability to get a straight answer from a then member as "like nailing jelly to a wall". When it comes to the issue of aged care and the accountability of this government, I think the phrase "nailing jelly to a wall" seems most apposite.

Probably one of the most debated things in the course of this Fifth Assembly has been the issues related to aged care. If we look at the numbers of press releases put out by me as planning spokesman and Mr Cornwell as the spokesman on ageing for the opposition, we see how high this is in our priorities. My concern is that, although the government talks the talk, it does not walk the walk on aged care. This was brought home to me quite significantly this week. On Monday on 2CN there was a discussion on aged care between Chris Uhlmann and the Minister for Planning. This was the real jelly against the wall stuff. There was a great deal of discussion about how many proposals there are out in the community, and the minister kept saying, "There are only six; there were six applications for land and DAs."

I rang in to make some comments and I made comments in relation to the other sorts of proposals that are out there that do not actually have formal status before the government and that are being delayed, and I made a comment specifically in relation to the Little Company of Mary and the fact that one of the things that is stopping them making progress is that they do not have a lease. The interesting thing was that the Minister for Planning, in his usual way, said, "Vicki Dunne doesn't know what she's talking about." Let us see how much Vicki Dunne doesn't know what's she's talking about. I said that one of the problems with Calvary was that they did not have their lease. The Minister for Planning's business plan and statement of intent for the Land Development Agency tabling statement from yesterday, just a little more than 24 hours after he said publicly that Vicki Dunne did not know what she was talking about, stated: "The government through the LDA has created an aged care land bank"—which is actually a sort of small piggy bank really—"to meet the needs of the ageing population. Currently there are four studies being undertaken in Gordon, Monash, Greenway and Nicholls. There are two sites where offers of leases will be made prior to the end of this financial year to the Little Company of Mary and to Southern Cross Homes in Garran".

So what is it that Vicki Dunne does not know what she is talking about? I went on radio to say that one of the problems confronted by the Little Company of Mary is that they do not yet have a lease. The minister responsible basically denied that that was the case yet just over 24 hours afterwards made a statement in here to verify what I had said. This is why we need to have this motion.

This motion is actually very simple. What we are trying to do, on behalf of our constituents so that we can do our job, is to get the information in one place, in one time, so that we all know we are talking about the same thing, so that we cannot duckshove or bob and weave and say that we do not know what is going on and not really compare apples with apples, which is what has been happening constantly in this debate.

This is a very long debate, and I suppose the cautionary tale of the Little Company of Mary is at the heart of it. This has been going on for some time. The previous government gave in principle agreement for the Little Company of Mary to get land that was already zoned for community use, before the government changed hands. This issue was going on—

**Mr Corbell:** No, you didn't, actually. It never went to cabinet.

3 March 2004

**MRS DUNNE:** You can have your turn later, Minister. Back in the estimates process on 23 May last year the minister said, in relation to the Little Company of Mary:

Since I've been minister, wearing both my Planning and Health hats, I've been facilitating officers meetings on that and, as I say, I'm confident that we'll see a resolution quite soon.

That was on 23 May 2003. On *Stateline* on Friday night, Robert Cusack said,

I am surprised I suppose if when we first embarked on this if we knew it was going to take this amount of time we probably would have thought about things a little differently. We are almost there...

The minister was going to facilitate it on 23 May last year, but by 27 February the next year Robert Cusack was saying that they were almost there, but they do not have a lease, they do not have an approved DA and they have almost lost their beds. Robert Cusack went on to say:

That means the bed licences were to be revoked this month, however the hospital has managed to secure six months grace.

I raised in July last year the issue of whether or not Calvary and the Little Company of Mary might lose their hospital beds, and this minister said, "No, that'll be all right. It'll be all right." I know that the Commonwealth minister at the time gave assurances that it would be all right. But, legally speaking, come the end of February this year, those beds could have been taken away from Calvary, and all of that work would have come to nought.

In dealing with constituents, one of the constant messages that I hear is that we are in dire need of aged care beds; we are in dire need of a whole range of aged care accommodation. As someone who is involved in doing health care assessments and aged care packages said to me only this week, "If we had those beds at Calvary, it would make an enormous difference to hundreds of people across the ACT." And that is just the Calvary beds.

The minister from time to time likes to say how good things are. When he was under pressure in July last year, he made a few assertions and he put out a press release saying that there is a high interest in developing aged care accommodation in the ACT. When it suits the minister, he will talk about the whole breadth of aged care accommodation, and I think that is what we should be doing. High care beds and hostel beds are only part of the whole package. Independent living is another issue. All of these things need to be put together in a complete package to address the wide needs of an ever ageing community.

The minister put together what looks like a very substantial list of places across the ACT where the Land Development Agency and the ACT Planning and Land Authority were aware of proposals, and presumably by being aware of them they were actually going to do something to facilitate them. The list is instructive because it has the Calvary Hospital beds on it. It has 100 new beds and 86 units at Calvary on that list there, but there is no commitment in here to make any of these work. A couple on this list are instructive:

Tuggeranong, block 12 and 13 of section 56 Monash, a new development, a mixed development including 50 units.

I know, and most of the members of this place know, that still today, nine or 10 months after this press release was put out, the church that is attempting to get that grant of land to build those units is still grinding through the inexorable processes of ACTPLA and the Land Development Agency. So it is all very well to say that there are 50 units in the pipeline, but we are not even any closer to putting pen to a blueprint, let alone turning a sod on those 50 beds.

The one that I think is most instructive is eight units at Aranda. The people of St Vincent's parish in Aranda have been working for, to my knowledge, five years to get supported accommodation attached to their church. They have a large space of land that cannot be used for anything except community facilities, so what did they think they would do? In a parish with ageing people in big houses with big gardens that are unsuitable for them but they would like to stay in their parish, they decided they would build supported accommodation so they could live close to the community facilities they have always known and loved. As they get older, HACC packages could be arranged for them so that they could stay in the houses longer and in their parish longer. If they wanted to go to morning mass, they could do so. They could do all of those things.

But what has happened? They came to the previous government and it began the process of changing the land use policy so they could have supported housing without a hostel. What these people want to build is independent living and the way the territory plan used to be was that, if you wanted to have independent living, you had to have a hostel. We did all that work. It spilt over into this government. The planning and environment committee changed the lease purpose clause. The people in Aranda were so grateful to have that obstacle taken away. And what happened? This government came in and said, "I know what we'll do; we'll charge these people betterment—\$20,000 a unit." Suddenly, that was \$200,000 they had to come up with. The government was going to charge them betterment on a piece of land that had a 999-year lease on it for church purposes only. They cannot sell it; they can never make any money on it. The idea of betterment is risible.

Here we have this government putting another obstacle in the way of people who need to make arrangements for their old age; communities who want to make arrangements for the people who are ageing in their community. What is happening is that nothing is being progressed. When you try and pin this minister and this government down, it is the old jelly on the wall thing. In the course of the conversation with Chris Uhlmann on ABC on Monday, the minister moved from saying that there were six formal applications before the government for land and development applications to that there were six applications for land. Then he started to say, "Well, we don't want to talk about that one because that one's being withdrawn. We don't need to talk about this. We don't need to talk about that."

So really what this motion is about is finding out what is happening. We want to have it all in one place at one time so that we are all agreed as to what the needs are, what people are saying their needs are and how they can address those needs, so that all of us can be vigilant, all of us can ensure that proposals to genuinely meet the needs of an ageing population in Canberra are not being needlessly held up in ACTPLA, or

3 March 2004

anywhere else in the bureaucracy; that anything that is being done to address the needs of an ageing population is being done in an expeditious fashion. That does not mean that you cut corners or anything like that, but that you do not take your eye off the ball.

What has happened is that this government have taken their eye off the ball, to an extent that I find breathtaking. On the *Stateline* program the other day, after all the kerfuffle about Calvary, which has been going on for four years to my certain knowledge, this is what the planning minister said about the Calvary development:

I'm not familiar with the details of exactly what Calvary will need to do to meet that deadline—what I know is that the proper planning process is being worked through—

At a snail's pace—

and that the preliminary assessment which is required under the Land Act has identified some issues to do with bushfire risk...

*(Extension of time granted.)* This is the whole problem, and it is a problem that goes back to the Land Act. It is the sort of selective way that planning is done. Sometimes you can do a development application and a preliminary assessment at the same time but sometimes, basically at the whim of the planning authority, they have to be done sequentially, which means it takes twice as much time to do it. We are trying to find a process where, whilst meeting all the requirements under the act, there is no needless delay. The proposal for Calvary by the Little Company of Mary is a textbook case of needless delay and I do not want to see it repeated again. I do not want to see a repeat of Calvary. I do not want to see a repeat of the Southern Cross Homes delays. I do not want to see a repeat of the Aranda fiasco. I and members of the opposition want to see an orderly process for people making applications and putting forward proposals to provide for a much needed service—most of it at no cost to this government except for a bit of time and effort in dealing with people in an expeditious fashion; that is all the government have to do. We are not asking them to fork out large sums of money.

We want to see an end to these needless delays and one way to ensure an end to the needless delays is to have a list of all the proposals that are before the government. The list in the motion is quite deliberately extensive because we want to know how many applications there are for land allocation for aged persons accommodation. We want to know how many development applications there are and what status they have. But we also need to know how many people are in a pre-application stage of some form with the planning authority. We want to know how many people are having discussions. I do not mean the first phone calls from people wanting to talk about aged care, but those who have actually got drawings on a piece of paper. We want to know how many proposals there are at the HQSD process. We want to know how many proposals like the Aranda one have been withdrawn and how many there are like the golf course one, which seemed to have been knocked back but the umpire seems to be out on that still; we are not entirely sure whether it has been knocked back or not.

What this motion seeks is certainty. What it seeks is to provide us with enough information so that all of us in this place are singing from the one hymn sheet, so that we all know that we are talking about the same thing and so that this government and this minister cannot duck and weave behind formal applications and applications for land but

talk about proposals put forward by the community that need their assistance to come to fruition.

**MR CORBELL** (Minister for Health and Minister for Planning (12.23): The government is happy to support the motion today. We are quite happy to make information available to members so that they can get a clear understanding, unlike that from Mrs Dunne, of this very important and at times complex issue.

Canberra is an ageing community and it is estimated that by 2030 about 22 per cent of the population will be over the age of 65 compared with only eight per cent in 2001. In 2001 the largest proportion of people aged 65 years plus, 24 per cent of all people over the age of 65, lived in the Belconnen area of Canberra. Like other parts of the community, older Canberrans need a diverse range of accommodation ranging from independent living units to residential care facilities such as hostels and nursing homes. The government is committed to planning for the needs of older Canberrans and is working with the Commonwealth government, the community and the private sector to respond to the need for older persons accommodation. This commitment can be outlined in a number of ways.

Firstly, I would like to address the proposal that Mrs Dunne referred to in relation to the Little Company of Mary and Southern Cross Homes (NSW) Inc. The government has announced its in principle agreement to the sale of land to the Little Company of Mary in Bruce for a mixture of residential aged care beds and independent living units. Contrary to the assertion by Mrs Dunne, the previous Liberal government never gave its approval for the sale of that lease. As Mrs Dunne will know, the cabinet requirement then, as now, was that all direct grants had to be agreed by cabinet. Mr Smyth never took that proposal to cabinet. He might have said in his letter, "I, as minister, am happy to give in principle agreement." But the government never did because he never took it to cabinet. That is the first myth in Mrs Dunne's assertion.

Secondly, in relation to the Little Company of Mary, a range of issues need to be addressed prior to the grant of a lease. Before land is granted, it is common for any issues that are identified through, say, a preliminary assessment to be taken account of in the lease and development conditions. That is why a preliminary assessment is required as a matter of course if it meets the thresholds under the Land Act before a granted lease is made, so that any issues that need to be addressed as a result of that preliminary assessment can, where appropriate, be incorporated into the lease and development conditions. Clearly, that is different from a scenario where there is already an existing leaseholder.

The Little Company of Mary proposal at South Bruce is progressing through a preliminary assessment. It has identified a range of issues to do with potential bushfire risk and these need to be addressed. The government are not trying to draw this process out. We are simply applying the requirements of the Land Act, and the Land Act says that you must undertake a preliminary assessment for a development of a particular size. The Little Company of Mary proposal meets those thresholds and the assessment has to be done. As Mrs Dunne would be aware, there is also considerable community interest in the site, so it is not as though it is the planning authority going through this because it is being bureaucratic; it is going through it, firstly, because it has a statutory obligation to

3 March 2004

and, secondly, because there is community interest in whether or not a development of the size that is proposed should proceed.

That is why we are going through that process and I think I would probably be beaten around the head more in this place if the government sought to in some way ignore those comments or in some way circumvent that. I have learnt that from Karralika. The Assembly does not want the government to seek to fast-track or circumvent the normal statutory provisions of the Land Act, so we are not. Mrs Dunne cannot have it both ways. She cannot beat me over the head about trying to fast-track, say, a drug rehabilitation centre by using legitimate powers in the Land Act—and then accuse the government of going too slow on approvals for aged care developments. She cannot have it both ways. She has to make up her mind what sort of planning process she wants. What we are doing is applying the provisions of the Land Act. If Mrs Dunne thinks the provisions of the Land Act are inadequate, I would love her to tell me exactly which ones she would change.

The Liberals have been in opposition now for 2½ years. Have they released a planning policy? No. Have they released any planning policy document? No. Have they released any position on how they would revise the Land Act? No. Have they released any position on the use of the call-in power? No. Have they released any position on urban consolidation? No. Have they released any policy on affordable housing? No. Have they released any policy on dual occupancy development? No. All we hear from Mrs Dunne is, “This is not good enough.” Well, Mrs Dunne, it is time for you to deliver some policies on what you would do to address this situation. The government is applying the Land Act as it is required to do.

Southern Cross Homes in Garran has also received in principle agreement by the government, by the cabinet, for the direct grant of land. That proposal was also going through the normal statutory requirements, and together those two developments, when fully operational, are expected to deliver 170 residential care beds and over 100 independent living units. On top of that, the government is progressing a range of other development proposals. For example, section 87 in Belconnen was identified by the Liberal government in the Belconnen town centre master plan for aged persons accommodation. An initial planning study has confirmed the potential of the site for a range of accommodation types. It is proposed that a 100-bed residential care facility and 150 aged persons units be built on part of this site. It is planned to release this site through a competitive process later this year.

The government has also started initial work for the development of part of section 46 in Greenway for aged persons accommodation. But the current land use policy under the territory plan does not permit the proposed use. Further planning work is required to confirm the suitability of the land, and the government has commenced this work. Release of this land is a more medium term prospect as a preliminary assessment and a variation to the territory plan are required.

In addition, as part of its land bank proposals the government has identified further sites in Gordon and Nicholls. The Nicholls site can accommodate at least 100 residential high care beds and some level of independent living units. The Gordon site is a slightly smaller site. Again, these are subject to investigations as to their detailed suitability. And, again, these studies are now under way. The government has also identified a site in

Monash and a possible site in Hughes for residential aged care. Again, these sites require territory plan variations to permit residential aged care. The government will also very shortly be considering a proposal from the Mirinjani facility in Weston for a direct grant of land for a 32-bed extension of a residential care facility.

So the government is undertaking a range of issues to address this very important matter. We are not seeking to in any way delay the work that is needed to get these beds under way. The Assembly can complain, but at the end of the day the government authorities implement the planning policies as they are in the Land Act and the territory plan. If Mrs Dunne has a problem with the Land Act or the territory plan, let us hear from her how she would change them.

There is, of course, a range of things under way. The Land Development Agency and ACTPLA are engaged in discussions with a number of other organisations that have put forward proposals, or in some instances where there are actual development applications for the development of older persons accommodation. These projects are at various stages and may not necessarily result in the development occurring, but it does indicate a strong interest from the provider sector in older persons accommodation in the territory. As part of its land sales program the Land Development Agency considers the suitability of a requirement to build independent living units in sites sold for residential purposes or release the sites for that purpose only. Sites in Greenway, Watson, Fadden and Gowrie fall within this category.

I have mentioned the issue of territory plan variations. Variations have been made to the territory plan that are designed to improve the ability of organisations to provide accommodation suitable for the aged. In September 2002 the territory plan was varied to introduce the concept of supported housing. Members may not be aware that supported housing is residential accommodation with onsite support provided for people who need such services, usually because of age or disability. The housing may be self-contained dwellings and there is a requirement that the development be managed by a territory approved organisation that has the capacity to provide the necessary support and services.

In regard to land that has a community facility land use policy, the territory plan was varied in 2002 to include supported housing subject to such a proposal meeting specified controls and restrictions; for example, where it can be demonstrated that the land is no longer required for other community facilities, or where such housing can only be separately titled if the lease requires the consent of the territory prior to any dealing with the lease. These additional controls are required in order to protect the integrity of community facility land and to ensure that it is used for genuine supported housing and not exploited as de facto multiunit residential development.

Again, this is not burdensome bureaucracy. These are all controls, planning law, approved by this place and, in the context of supported housing, approved by this Assembly in the term of this Assembly. No concerns were raised by members when these laws were introduced. It is unreasonable for Mrs Dunne or others to stand up and say that this is burdensome bureaucracy—when they voted for it; they approved the policy setting. Well, nothing has changed. The policy setting is being implemented. The policy setting approved by the Liberal Party in this place, in this very Assembly during this very term, is being implemented.

3 March 2004

At a broader level, the ACT government agencies and the Commonwealth Department of Health and Ageing, which provides the funding for residential care facilities, are meeting with the local aged care industry to discuss ways in which the system of delivery can be improved. I have previously indicated to members that I gave my agreement to the previous Minister for Ageing, Mr Andrews, at a Commonwealth level to see better coordination between Commonwealth and territory agencies when it came to Commonwealth announcements about the release of beds and the planning issues associated with the development of those beds.

The Land Development Agency, at my request, has initiated a review of the way it sells land for older persons accommodation purposes and in order to further streamline its processes. Discussions are currently being held with other government agencies to address those matters. There is a range of complex issues in this debate and it is easy for Mrs Dunne to say, "Not a brick has been laid. Nothing has happened. It is all bureaucracy. It is all being held up by the process." The process is not a bureaucratic process. It is a process that has been agreed by this place. The Land Act, the territory plan and variations to the territory plan are approved by this place. The requirements have been put by the Assembly as to how these sorts of developments are considered and approved. I am looking at ways of improving that process. I have asked the LDA to improve its processes around direct grants of land. I have asked ACTPLA to commence a review of streamlining development application processes and a review of the Land Act. I asked for that in the middle of last year, and that work is happening. So the government understands the complexity of the issue, and it is working to address it.

What we had was a glib assertion from an opposition party which, when it was in government, never gave its agreement to sell the land to the Little Company of Mary at Bruce. It never gave its agreement; the issue never went to cabinet. The previous government never said, "Yes, we'll give it to you as a government; that is what we'll do." That might come as a shock to Mrs Dunne, but those are the facts. It is hypocrisy on the part of those opposite.

The government is working hard to address these issues. It has done many other things to address bed block in our hospitals. For example, the introduction of 50 transitional care beds, which should be operational later this year, will further assist ageing Canberrans in our community. The government will be supporting the motion today, and I am happy to provide the information requested in the motion by close of business tomorrow.

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

**Sitting suspended from 12.39 to 2.30 pm.**

## **Statement by Speaker**

**MR SPEAKER:** This morning I said I would review *Hansard* in relation to a couple of claims made in this place during the debate in private members' business. Mr Corbell drew attention to something Mr Smyth had said. He attempted to have him withdraw it. I have reviewed the *Hansard* and—Mr Smyth I can quote you—it states:

... this is just more hot air from the chief windbag.

That is unparliamentary language and I order you to withdraw it.

**MR Smyth:** I so withdraw.

**MR SPEAKER:** Mr Smyth counterclaimed that Mr Corbell had said something nasty in the course of his debate. The transcript reads as follows:

It does have the implementation that Mr Smyth quite misleadingly laments.

Mr Corbell, I order you to withdraw that.

**MR Corbell:** I withdraw Mr Speaker.

### **Questions without notice Bushfires—declaration of a state of emergency**

**Mr SMYTH:** My question is to the Chief Minister. On 29 May 2003 you advised the Estimates Committee on the time you first held discussions with your public service on 18 January 2003—and I quote:

Certainly, let me just say this: not only was I not advised before midday to de a state of emergency, I didn't even speak with a member of the Emergency Services Bureau or any other senior officer or, indeed, any member of the ACT public service before midday. At no stage between 12 o'clock and 2 o'clock did anybody raise with me the declaration of a state of emergency.

My first contact with an ACT official on the day of the fire was somewhere between—I'm guessing, I'm guessing this—between 12 and 12.30, when I had a telephone conversation with Mr Tim Keady, as I was driving to the Emergency Services Bureau, and that was my first conversation. I decided for myself to attend the Emergency Services Bureau. My memory is that I left my home at around about midday, having decided for myself to attend.

Does the Chief Minister stand by his answer to the Estimates Committee, given that we know that Mr Tonkin and Mr Keady both attended the planning meeting at 9.00 am on the 18th and heard that bushfires were likely to threaten an area between Weston and Greenway that afternoon with a potential threat to Belconnen?

**MR STANHOPE:** I again acknowledge that I will be a witness before the coronial inquest next Monday and that these questions will of course be aired in that appropriate forum.

In terms of timeframes—I am going on memory in relation to the actual times—I attended the Emergency Services Bureau at what one might say is lunchtime; a timeframe that we normally equate to be between 12 o'clock and 2 o'clock. I have now lodged a formal statement with the coroner pursuant to a request from counsel assisting coroner that I provide a statement to the court in relation to that. I think that in the statement I have given to the coroner's court—I do not have it with me—I state that I

3 March 2004

believe that the telephone call that I received from Mr Keady—which was the first contact I had with any of my officials on that day—was somewhere around one o'clock; I think that is what I say.

I can perhaps give some other benchmark against that because Mr Keady, in his evidence, in his statement, no doubt goes to the time that he contacted me. I have not seen Mr Keady's statement, nor have I discussed with Mr Keady when he thinks he made the telephone call to me. But at the time he made it to me, I was in Curtin. I had made the decision, of my own volition, to attend the Emergency Services Bureau headquarters. I had a desire to be updated on what was going on—a desire that I generated. This decision was taken not as a result of any contact with any official but one that I made of my own volition.

On reflection, analysis and some refinement of my movements, I believe I commenced my journey to the Emergency Services Bureau at about 12.30. I will not swear by any of these times; these are just my rough guesstimates of my movements; I did not take notes or look at my watch at the time. I went over during lunch. I think I commenced my journey at around about, thereabouts, in the vicinity, somewhere near, approximating 12.30 or thereabouts.

I think Mr Keady called me somewhere around about, approximating one o'clock or—I am prepared to say half an hour either side of that; I will not swear by it—somewhere, I think, between 12.30 and 1.30. Maybe it was between 12.15 and 1.45, but I think probably between 1.00 and 1.30. But I cannot swear by any of these. That was the first contact I had with my officials on that day. The contact was on my mobile telephone. At the time I took the call I had entered the suburb of Curtin.

**MR SMYTH:** I ask a supplementary question. The Chief Minister might have already answered this; he certainly touched on it. Why did the Chief Minister decide to attend the Emergency Services Bureau that afternoon if, on the day, no-one had advised him of the dire threat the ACT was facing?

**MR STANHOPE:** I received no call. I received no information about the behaviour of the fire or the event of the fire—none whatsoever. I made the decision to attend at the Emergency Services headquarters because I had on that day assumed responsibility for emergency services as a result of a decision that the minister, Mr Wood, had earlier taken to take leave as and from that day.

It is relevant to note that I had had the period from Christmas to 13 January as my holiday break. I returned to duty on 13 January. Mr Wood and I believe Mr Corbell—but I would have to check the records again—were essentially duty ministers over that Christmas period; it was actually Miss Gallagher and Mr Wood. I should get the records before I leave out some part.

Some ministers had taken the opportunity—myself included; I am not sure who else—to have a holiday break. Other ministers had remained on duty. We—as all ministries do, particularly small ministries—had made prior arrangements that some of us would have a holiday break over the first couple of weeks in the Christmas period and then other ministers would take the opportunity.

Mr Wood was one of those that worked over the Christmas break. Mr Quinlan worked over the Christmas break because he was acting Chief Minister. I returned to duty on 13 January fully expecting Mr Quinlan and Mr Wood to take their holidays some time after that. Mr Wood had made arrangements to commence his holiday on the Saturday.

I had decided—I think on the Friday—to accept responsibilities as minister for emergency services. It was my first day in my acting ministry as minister for emergency services. As a consequence of the fact that I was acting minister for emergency services on the day of the fire, I made the very obvious decision to ensure that I was briefed. I made the decision that I needed to be updated. I made the decision to seek that briefing at lunchtime. Therefore I drove to the Emergency Services Bureau headquarters at lunchtime, simply to be updated. It was a matter of some surprise to me when I got there to realise how grave the situation was.

### **Bushfires—declaration of a state of emergency**

**MRS DUNNE:** My question is to the Chief Minister. In question time on 18 February last year Mr Stefaniak asked you, in relation to the January 2003 bushfires:

When were you first informed that a state of emergency might be necessary?

Your response was quite specific. You said:

Between 2.00 and 2.30—or 1400 and 1430 hours, as the Emergency Services Bureau likes to put it—on Saturday, 18 January.

Does the Chief Minister still stand by that answer?

**MR STANHOPE:** That was the time it was first put to me that there was a need to consider the declaration of a state of emergency. There had been some discussion at the cabinet meeting on 16 January around the mechanics of a declaration of a state of emergency, that there were procedures that allowed such declarations. But the first time it was presented to me that consideration of a state of emergency was necessary was after I arrived at the Emergency Services Bureau. There was some discussion at the cabinet meeting on 16 January about declarations of states of emergency in the context of what the legislation provided for. I believe that discussion was generated by a theoretical or a general discussion around the potential impact of the fire on electricity infrastructure.

**MRS DUNNE:** I ask a supplementary question. How does the Chief Minister reconcile that answer and the one he gave on 18 February with the evidence before the coroner that on 16 January cabinet was told that there was a 40 to 60 per cent chance that a state of emergency would have to be declared?

**MR STANHOPE:** This is all ifs and buts, and if this happens and if that happens. I have not discussed this with my colleagues, and perhaps I need to refresh my memory in relation to it, but I have a broad memory of a discussion—and I will not swear on the Bible as to the detail—around the potential for the fire to impact on electricity infrastructure and cause arcing in the Brindabellas, where the wires cross into the ACT and join up with the MacGregor substation. It was theoretical thinking being engaged in,

3 March 2004

probably as a result of questions a member of cabinet may have asked, but I cannot swear to that. There was a discussion about the potential for the fire to impact on the electricity lines coming in to the ACT, across Namadgi National Park and the Brindabellas, a potential scenario being that if arcing was created as a result of smoke, ash, soot and other impediments in the air, an electric surge could essentially cause the MacGregor substation to do whatever they do—surges happen—resulting in 80 per cent of the ACT being left without electricity. In the context of that, what would we do if in the space of a minute 80 per cent of the ACT lost its electricity? I am assuming a lot here. I think the answer was that either Mr Castles, Mr Lucas-Smith or perhaps even Mr Keady said, “If we lost 80 per cent of our electricity, we would probably have to think about whether or not you needed a state of emergency declared.”

### **Bushfires—declaration of a state of emergency**

**MR STEFANIAK:** My question without notice is directed to the Deputy Chief Minister. On 19 February 2004, in response to a question that was published in the *Canberra Times*, the minister said:

I left the meeting thinking yes we have a problem, perhaps a repeat of the 2001 fires but nothing that would have come anywhere near the firestorm that hit.

An article in today's *Canberra Times* states that one of the note-takers for the cabinet briefing referred to “how significant the chance that a [state of emergency] will have to be declared” and, next to that statement, “40-60 per cent”. A state of emergency had never been declared in the ACT before 18 January 2003 and it has never been declared in New South Wales for a bushfire.

As a former Minister for Emergency Services, the Deputy Chief Minister should know that the declaration of a state of emergency is considered only in serious circumstances. Why is the minister claiming that he did not appreciate the gravity of the threat that the ACT was facing when he was advised that it was a one in 20 year bushfire and that there was at least a 40 per cent chance that a state of emergency would need to be declared?

**MR QUINLAN:** An issue that was not referred to by the member—and an issue about which he might not want to hear—is that in general the tenor of the briefing did not communicate alarm. The briefing alerted us to the fact that we could have a problem. Members might remember that during the 2001 bushfires some spotting occurred in suburban areas. We thought that the 2003 bushfires might involve some spotting, or that they might be a bit worse than the 2001 bushfires. However, we were sure that we could handle the situation.

I am speaking in general terms about this issue. I, like the Chief Minister, did not take notes. I understand that the notes that were taken were not an ordered set of minutes of what was said—they were scattered notes. I assure members that the tenor of the briefing was not to cause alarm. There was no suggestion in the briefing that there was a wall of fire covering about two to three miles of open grassland and endangering a 32kV electricity line in Chapman, even though there was no forest for miles between it and the prevailing winds. Those factors were not communicated in that briefing.

Let me give members my view of the events. When I attended that meeting it was my intention to travel to Melbourne to watch the tennis that weekend. My partner and I were going to drive to Melbourne on the Friday and drive back on the following Monday. We had intended to turn off the phone while we were travelling in the car and to travel through Milawa, which would have afforded us a decent little break if we did not rush the trip. I recall being told at that briefing that the Monday would be a 40-year weather event.

I recall thinking that the bushfires might be worse on the Monday and that even though I had not been directed to return to Canberra on the Monday I, as minister, should be there. So I booked with Virgin airlines a couple of flights to Melbourne and back. I flew to Melbourne on the Friday with the intention of returning to Canberra on the Sunday after attending the tennis at the invitation of Tennis Australia. Because of subsequent events I specifically remember the tenor of the briefing that I received. At the briefing I was told that there was some concern about the bushfires.

As I said earlier, members would remember what occurred in 2001. In that year we celebrated the fact that we beat the bushfires. Even though the bushfires came close to the doors of the city, no property was lost. We thought we had done well. After the 2001 bushfires we conducted an inquiry, which recommended that Mr Wood and I should effect 70 or so changes. The best part of those changes was effected during the course of 2002.

As a result of the briefing I was aware that the following week would be pretty tough, but I knew I could relax over the weekend. I had booked a return flight to Canberra on the Sunday, but I returned on the Saturday night after I heard what was going on.

### **Housing—debt review committee**

**MS TUCKER:** My question is to the minister for housing and is in regard to the proposed debt review committee. In a press release you issued on 18 November 2003, under the heading “Debt review committee established”, you are quoted as saying:

The government will assist public housing tenants experiencing debt by establishing a Debt Review Committee that will review individual cases and advise on the waiving of debt, the allocation of debt between co-tenants, and the provision of enhanced support services.

In particular, the Debt Review Committee will allow Housing ACT to better respond to:

- victims of domestic violence;
- tenants and families with high and complex needs; and
- vulnerable tenants who have incurred debt through the misbehaviour of others.

Minister, can you advise the Assembly if the guidelines for that committee are now available, how we can see them and how tenants can find out about the committee?

**MR WOOD:** Thank you, Ms Tucker. We took that necessary measure of trying to help tenants who find themselves in strife. For example, when someone has difficulty paying

3 March 2004

their rent, we are pretty sure that they have got a stack of bills everywhere else as well. Measures for guidance on debts are already in place ahead of that, and we fund a service to do that, which was set up at the end of last year. I have not had a report on its progress at this early stage. I will check the condition of those guidelines and the advertisements that will be in place, and I will report back to you—with your supplementary as well.

**MS TUCKER:** Mr Speaker, I have a supplementary question. Can you reassure the community that ACT Housing is enthusiastically behind this project? You said that you would come back to the Assembly with a timeline for the guidelines that are being set up.

**MR WOOD:** I will do that, but I do not need to come back to you to say that we are “enthusiastically behind this”. There was one instance of a victim of domestic violence with her debt. We can waive that. We made that announcement at about the same time, or later. That is just one example of how serious we are about attending to the very difficult circumstances that some people find themselves in.

At the same time, we are continuing with a program to see that the level of debt generally across ACT Housing does not rise. There has recently been a slight increase in the level of debts. That is a minor worry, because when it happens it gets out of hand for people. We are assiduous, but understanding, in collecting rent from all our tenants. I will come back to you with the details as soon as I can.

### **Aged persons residential development—Belconnen golf course**

**MRS CROSS:** Mr Speaker, my question is to the Minister for Planning, Mr Corbell. Minister, do you stand by your comments on the ABC *Stateline* program of 27 February this year regarding the development of the Belconnen golf club, where you said:

The government was not going to support the [proposed Madison] Development because it's on a golf course and that golf course has already been partially redeveloped for housing and when that happened the first time the promise was made to the community no more development on the golf course and that's what the Assembly agreed to in the early '90s ... Well I think the Community should take promises at their word and that's why I said no upfront to Mr David O'Keefe.

Mr Corbell, is this the reason that you, as the Minister for Planning, are opposed to the development of Belconnen golf club, as you stated last Friday on the *Stateline* program?

**MR CORBELL:** Mr Speaker, it is one of the reasons, and it is a very important reason. Indeed, I draw Mrs Cross's attention to the preliminary assessment that occurred at the time that the, I think it is called, Woodhaven Green development was progressed at the Belconnen golf course. At that time one of the commitments made by the developer—I think it is actually in the preliminary assessment documentation—was that there would be no further subdivision of the course. I think, again, that is an assumption on which that assertion was made. The Assembly at the time accepted, with that assertion in mind, the variation to the territory plan that was required for that subdivision to take place and it is not unreasonable that future proponents are held to that commitment.

I think the other issues of concern which have been raised with the proponent by me and by ACTPLA relate to the relative isolation of the site in terms of aged care

accommodation, to potential exposure on the urban edge to bushfire risk; and whilst that might not be an issue for more standard residential, it is an issue of concern for an aged care facility where evacuation of residents, if necessary, is more problematic because of their age and infirmity.

So, Mr Speaker, there are a range of issues, including the ones that Mrs Cross has mentioned in her question today.

**Mrs CROSS:** Mr Speaker, I ask a supplementary question. Minister, what were the reasons that you gave to Madison Lifestyle Communities during your first meeting with them for not supporting the proposed development?

**MR CORBELL:** I would need to check the record, Mr Speaker. It was some time ago but I am happy to check my correspondence with Madison and advise the Assembly accordingly. What I can say is that certainly the issues to do with development of the site were of concern. Certainly issues to do with the location of that facility and some of the problems that it raised, which I have just mentioned, were of concern. I think the only other issue that may have been a concern was, to the best of my knowledge, the notion of using public recreational land for housing development. It is something which the government in opposition took a particular view on. We are remaining consistent in that regard.

**Mrs Cross:** So you will take it on notice? Is that right Simon? The supplementary?

**MR SPEAKER:** Thank you, Mr Corbell. I call Mr Pratt.

**Mrs Cross:** On a point of order, Mr Speaker: I just did not understand. Is Mr Corbell taking the supplementary on notice?

**MR SPEAKER:** I think he answered the question.

**Mrs Cross:** No, he did not answer the question. He said, "I will get back to Mrs Cross." I want him to officially confirm that he is taking the supplementary on notice and that he will get back to me with the answer.

**MR SPEAKER:** Well, if he said he will get back to you.

### **Bushfires—declaration of a state of emergency**

**MR PRATT:** My question is to the Minister for Urban Services. A *Canberra Times* report today on a cabinet briefing on 16 January 2003 reads:

One of the note-takers recorded "how significant the chance that a [state of emergency] will have to be declared" and next to that "40-60 per cent".

Minister, given that extremely alarming assessment, why did you continue to be on leave? Why did you not report back to duty to monitor closely the emerging circumstances and why did you not, given the grave fire intelligence assessment, call or recommend the calling of a state of emergency? Additionally, why did you not give

3 March 2004

direction to ensure that the Canberra community was explicitly warned of the imminent and very clear danger?

**MR WOOD:** Let's talk about the use of the word "imminent". We all checked our memory, because we did not take notes and I did not take a camera in to record it, but at the time of that briefing there were, from memory, three discrete fires. They were 20 or 25 kilometres away—I am not sure of the distances. They were a long way away. That was on the Thursday. The fires were a long way away, distant from the ACT.

There were troublesome weather conditions, but at that stage the weather had not been rough and the weather forecast, as I remember and as Mr Quinlan said, was that Monday was to be the bad day. That was the picture we had. The fire was a long way away. I think that two of the fires might have merged by that time and become the stockyard fire. I think that they merged at about that time. But there were still three fire areas, and they were a long way distant.

My colleague has explained the circumstances about the state of emergency. It is consistent with my memory that there was talk about the powerlines and the problem about those powerlines. So, put it into perspective. And then there was another perspective. Nowhere at any time did I—and I do not think anybody else did anywhere, not even the later experts—contemplate the holocaust that would descend on Canberra. Nowhere was that in mind. If we were talking about fires approaching the city, it was a fire of the order that came through in 2001. So, put it into perspective as to the briefings that were given earlier and as to the, I would think, unimaginable result on that Saturday.

**MR PRATT:** I have a supplementary question. Minister, given the bushfire threat intelligence available on 16 and 17 January 2003, why did you not put in place clearly published contingency plans, including evacuation of the most vulnerable residents in vulnerable suburbs, including Weston and Duffy, as per that briefing?

**Mr Corbell:** Hindsight is a wonderful tool, isn't it?

**MR WOOD:** Yes, hindsight is great. I think that members opposite ought to adjust their prepared supplementary questions in the context of the way that the first part of their questions has been answered. You never adjusted your supplementary question, Mr Pratt; so I really have nothing more to say.

### **Child protection**

**MRS BURKE:** My question is to the Minister for Education, Youth and Family Services, Ms Gallagher. Minister, thank you for providing me with the documents that I requested under FOI.

**Ms Gallagher:** I didn't; the department did.

**MRS BURKE:** I specifically refer to the brief that the chief executive provided to you, advising that the department had not met its statutory obligations regarding advising the Community Advocate. I would remind you, Minister, also that you did undertake to get back to the Assembly with the time that that faxed brief reached your office. You have not done so yet. There is a curious feature to this brief. The date that you signed the brief

is shown as “15/1/12/03”. Minister, did you sign this brief on 15 December 2003 or on 1 December 2003?

**MS GALLAGHER:** Given that you have all the documents, Mrs Burke, I would draw your attention to the handwritten comments on the back of that brief, which say, “I wrote comments on original brief which was faxed and has since been forwarded to the Chief Minister.” Okay? So there are two briefs: a faxed brief that I signed off on that day, the 11th, and I note that on the brief. In fact, dot point 4 says that I will forward comments on photocopied brief. So I did sign the brief off on the 11th. This is the formal brief that came to my office. The brief that I received on the 11th was a faxed document, which was exactly the same as this, exactly the same as the document that later appeared—

**Mrs Burke:** Where does the 11th come from?

**MS GALLAGHER:** On the day that I was notified. As you will know from your extensive reading of all of the matters to do with this issue, this brief was given to me on 11 December. That is the day I wrote to the Chief Minister. That is the day I wrote to Ms Hinton. That is the day that the Chief Minister referred it to the chief executive of chief minister’s. This brief, which is exactly the same as the one that appeared by fax, with the file reference number FS2003/1065, arrived formally in my office through the bag that comes to my office with these briefs in folders, and I have obviously signed it off on the 15th—that brief. I signed off the faxed brief, which is exactly the same as this brief, on the 11th. I am happy to provide you with a copy of that brief. It is exactly the same brief. I am happy to provide you with a copy of that faxed brief that I signed off.

In relating to the timing, I understand the fax was sent from the chief executive’s office at 10 past one on 11 December to my office. Our fax machine records it at 12.24 on the bottom of the fax, but it was not operating on daylight saving time, which is an hour different. So my understanding is that it reached the fax machine in my office at 1.24.

**MRS BURKE:** I have a supplementary question. I am still a little confused here. The dates confuse me here, and they would you.

**Ms Gallagher:** There is nothing confusing about it.

**MRS BURKE:** Well, Minister, it is quite clear—

**Ms Gallagher:** There is nothing confusing.

**MRS BURKE:** Why is it that the first date is clearly in the original date block 1 December 2003 and the 15th has been inserted alongside it. It is as if you originally signed it on the 15th but now you are saying that you signed it on the 11th. Can you explain?

**MS GALLAGHER:** I do not understand. I signed the brief—

**Mrs Burke:** I am happy to table the document.

3 March 2004

**MS GALLAGHER:** I signed this brief, which appeared as a fax, on the 11th. I signed this brief on the 15th. I can actually just work out your conspiracy theory here, which is that—

**Mrs Burke:** No, no, Minister.

**MS GALLAGHER:** There is a little scribble that might look like a “1”. It is actually where I have carelessly drawn a line after the “15”—

**Mrs Burke:** No, no, no—not good enough.

**MS GALLAGHER:** so that it actually looks like it is 15/1/12/03. Is that what you are talking about? Well, that is my poor writing, which I apologise for. This brief was signed on the 15th. The faxed copy was signed on the 11th. Mrs Burke, there is no conspiracy here. We have given you all the facts. Keep digging around as much as you can to try to prove that I am not telling the truth, but I am.

**Mrs Burke:** Timing is critical.

**MS GALLAGHER:** I agree time is critical.

### **Students with disabilities**

**MS DUNDAS:** My question is to the Minister for Education, Youth and Family Services. Page 41 of the annual report of the Department of Education, Youth and Family Services states that a report is being undertaken of services to students with disabilities and policy and mandatory procedures and that it is expected to be completed by March 2004. Will you inform the Assembly of the scope of this review and when you expect it to be completed?

**MS GALLAGHER:** I will have to take that question on notice. I am not sure whether the member is talking about an internal one by the department. I am happy to check on where it is up to. I have a list of reviews here and I cannot see it listed. So, I will get back to the member at the end of question time today if I can.

**MS DUNDAS:** While the minister is looking into that I have a supplementary question. I understand the current policy in relation to students with disabilities and the mandatory procedures for students with disabilities states that every student with a disability in ACT schools is required to have an individual learning plan. Is the minister currently assured that every student who requires an ILP currently has one, and if children do not have an ILP what happens to them with regard to their education needs?

**MS GALLAGHER:** In relation to the second part of the question, individual learning plans, I am of the understanding that individual learning plans are in place for all students. I have received a couple of emails over the past couple of months from people who have been concerned that individual learning plans have not been in place. We followed up those cases. Plans have been in place. Whether that has been articulated to care givers seems to have been the question, because it is usually the family, or the foster care family in one case, who seems to be of the view that an individual learning plan is

not in place. My understanding is that all students with a disability have a plan in place. If they do not, I would like to know about it, and we will follow it up. Certainly we have followed up the cases that have been drawn to my attention, and plans have been in place for those children.

### **Child protection**

**MR CORNWELL:** My question is to the Chief Minister. Minister, I refer to your comments on the family services problems in the *Canberra Times* of 22 January. I quote:

You can beat us around the head about why we didn't do something earlier, but that's the very point. We as a Government didn't know.

In fact, it has now come to light that the Community Advocate briefed Mr Corbell in October 2002. Mr Corbell gave the excuse yesterday that he was on leave on 22 January and was unaware of the Chief Minister's comments. Chief Minister, why didn't you contact Mr Corbell and ask him about whether he had been advised of the serious problems within family services when he was Minister for Education, Youth and Family Services?

**MR STANHOPE:** I acknowledge that the statement I made to the media on 22 January was wrong. I publicly acknowledged that a month or so ago. Upon advice—papers may have been provided by Ms Gallagher's office, or it may have been from other sources—I became aware, after I made the statement on 22 January, that Mr Corbell had been briefed. Having been made aware of that, I indicated that the statement I made on 22 January was wrong.

It was a mistake to make an assumption from conversations I had had with Ms Gallagher in December. I drew an assumption on the basis that the minister advised me that she had never been made explicitly aware of the issues in relation to non-reporting, just as I had never been made explicitly aware of them. As a result of that, I wrongly assumed that the matter had not come to the attention of the government.

In making the statement that the government was not aware, I had excluded any consideration of whether Mr Corbell as minister may have known. I was wrong. I have acknowledged that and expressed my regret for the fact that I made that incorrect statement. But I made the statement on the basis that this matter of non-reporting had not been drawn to my explicit attention at all.

I had discussed the matter with Ms Gallagher. I remember a conversation with Ms Gallagher some time in December in which I remember asking: were you explicitly aware of this subject? Ms Gallagher said to me, "No, I was not aware that this was an issue within my portfolio." On the basis of that, I did, I regret, make an assumption that this was news to the government. I was wrong. I had excluded from my thinking in that statement the fact that Mr Corbell had been minister for a year. I made a mistake.

**MR CORNWELL:** Mr Speaker, I have a supplementary question. Chief Minister, you were in error in your remark on 22 January. You knew about it in December. Why didn't you nevertheless contact Mr Corbell, given that the Community Advocate had first highlighted the issue in her 2001-02 annual report, sent to you, as Attorney-General?

**Ms Gallagher:** She's been highlighting it since 1996. Who was in government then?

**MR STANHOPE:** Yes. I think I answered that question a month or so ago, but I am happy to go over the issue briefly. I am sure I answered that very question in sittings in early February. Issues in relation to the adequacy of reporting were raised on a number of occasions, as Ms Gallagher asserts. She has more direct reference than I do to the papers and the history of this matter since 1996—through all the period that you, Mr Cornwell, were in government and your colleagues had ministerial responsibility.

The crux of the question Mr Cornwell asks is: why didn't I ring and ask Mr Corbell? I do not know why I did not. I made an assumption that was wrong and misplaced. I have acknowledged that, and I have expressed my regret for it. It is a matter of embarrassment to me as a politician that I made a public statement that was quite obviously wrong. I made it on the basis of an assumption—as a result of my lack of knowledge and the conversation I had with Ms Gallagher around her lack of knowledge—that this was news to the government.

Frankly, I did not think that it might have come to Mr Corbell's attention when it had not come to mine or Ms Gallagher's. It was an assumption I made that was wrong and misplaced, and I regret it. I regret the extent to which my language was not as careful or as precise as it might have been. It is a matter of regret and embarrassment to me.

### **Gungahlin children's centre**

**MS MacDONALD:** My question without notice is addressed to the Minister for Education, Youth and Family Services. I note that the minister recently opened the Gungahlin children's centre. Will the minister please advise members what facilities and services are offered at that centre?

**MS GALLAGHER:** I am glad that I have an opportunity to speak about the new children's centre in Gungahlin, which commenced operation in December 2003 and which provides 90 childcare places for children in the Gungahlin region from birth to the age of five. I have toured the facility, which is housed in a fantastic building with state-of-the-art facilities for children, including windows at child-friendly heights, a craft room for children located adjacent to the preschool, a dining room where children enjoy eating their lunches together away from the activities that are provided in other rooms. The use of colour and the design of that centre are attractive and appropriate for children.

The Gungahlin children's centre also provides two spaces that can be hired by community groups. The small meeting room has the required services to support mothers intending to breastfeed their babies. Those spaces will provide much-needed space for the Gungahlin community. Approximately \$2.4 million was spent on this new children's centre. The 90 childcare places provided at that centre are in addition to the 54 childcare places provided at Nicholls early childhood centre and Ngunnawal children's services centre. The government also opened Amaroo preschool, which will have 100 children enrolled this year.

In addition to those enhancements in Gungahlin, a further \$950,000 has been allocated to expand existing government-owned childcare centres across Canberra. Those services

are located in Charnwood, Kaleen, Civic, Curtin, Greenway and Condor. That additional allocation will provide a further 77 childcare places in our community. The expansion process should be completed by August 2004. Our commitment to children, which is demonstrated by the provision of these additional places and services in Gungahlin, will also be seen through the development of the first ever ACT Children's Plan, which is due to be released soon. Children are important members of the ACT community. The children's plan will articulate our commitment to them and their families.

**MS MacDONALD:** I ask a supplementary question. The minister, in her response, referred to the children's plan. What is the status of the development of that plan?

**MS GALLAGHER:** The children's plan is an extremely important document. I was pleased to be able to take over this project after all the work that had been done by Mr Corbell—

**Mrs Dunne:** Point of order: this supplementary question, which is about the children's plan, does not relate to the original question that was asked about the Gungahlin children's centre. Is the supplementary question in order?

*Government members interjecting—*

**MR SPEAKER:** Order! Mrs Dunne is attempting to state her point of order.

**Mrs Dunne:** My point of order is whether or not the supplementary question is in order as the original question that was asked was about the Gungahlin children's centre, and not about the children's plan. The supplementary question has to relate substantially to the principal question.

**MR SPEAKER:** It has just been pointed out to me that a supplementary question has to be relevant to the original question, or it must arise as a result of an answer that has been given.

**MS GALLAGHER:** If members had been listening to my answer they would have realised that I referred to that issue.

**MR SPEAKER:** I will allow the question.

**MS GALLAGHER:** Thank you, Mr Speaker. Mr Corbell commenced the children's plan, an extremely important document, when he was Minister for Education, Youth and Family Services. He recognised that while a youth framework had been put in place for young people aged 12 and older, no government plan or strategy had been dedicated to children from birth to the age of 12. There was community consultation from August to October last year. That consultation, which was broad, involved both adults and children.

The aim of the consultation process was to ensure that the development of the ACT Children's Plan reflected the views of and issues concerning the whole community. Approximately 700 adults were involved in those consultations through various processes that were open to them. We have received more than 100 written submissions and over 2,500 children responded through letters, the website and focus groups.

3 March 2004

Following that consultation two reports were produced—the ACT Children’s Plan and Hearing Young Children’s Voices. Both reports are available on the website [www.children.act.gov.au](http://www.children.act.gov.au). I urge all members to read those reports.

### **Mental health**

**MR SMYTH:** My question is to the Minister for Health. In question time on 27 August last year, I asked you about how many clients of Mental Health ACT have been involved in homicides, suicides, et cetera. You told us that, unfortunately, 18 clients had been successful in committing suicide. Minister, in the time since your last answer, how many clients of Mental Health ACT have been involved in homicides, how many have been involved in attempted homicides, how many have attempted suicide and how many have actually suicided?

**MR CORBELL:** I will take the question on notice.

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

**Mr Smyth:** Mr Speaker, I have a supplementary question. Once joined, I believe that a supplementary question can be asked.

**MR SPEAKER:** I am sorry, the Chief Minister has asked that further questions be placed on the notice paper.

**Mr Smyth:** The normal protocol, Mr Speaker, is that once a question is joined there is an entitlement to ask a supplementary question.

**Mr Stanhope:** The normal protocol is that you get one question each, smart Alec.

**Mr Smyth:** Mr Stanhope should consult the standing orders, which say that members are entitled to at least one question. They do not say only one question.

**MR SPEAKER:** Proceed with your supplementary question.

**MR SMYTH:** Thank you, Mr Speaker. If the minister is going to take it on notice, if there were any suicides in that period, how many of them were the five people who were referred to the clinical incident review committee the last time?

**Mr Corbell:** I am sorry, could you say that again?

**MR SMYTH:** In your last answer, you also said that five of the attempted suicides had been referred to the clinical incident review committee.

**MR SPEAKER:** Come to the question.

**MR SMYTH:** If there were any suicides in the latest period, how many of them, if any, were of the five referred to the clinical incident review committee?

**MR CORBELL:** I will take the question on notice.

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

## **Papers**

**Mr Wood** presented the following papers:

### **Subordinate Legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Justices of the Peace Act—Justices of the Peace Appointment 2004 (No 1)—Disallowable Instrument DI2004-23 (LR, 19 February 2004).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No 3)—Disallowable Instrument DI2004-25 (LR, 26 February 2004).

Road Transport (Safety and Traffic Management) Regulations—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2004 (No 2)—Disallowable Instrument DI2004-24 (LR, 26 February 2004).

Smoke-free Areas (Enclosed Public Places) Act—Smoke-free Areas (Enclosed Public Places) (Fees) Determination 2004 (No 1)—Disallowable Instrument DI2004-22 (LR, 19 February 2004).

## **Supplementary answer to question without notice Trees in Nettlefold Street, Belconnen**

**MR CORBELL:** Yesterday Ms Tucker asked me a question in relation to the development on section 2 block 12 Belconnen, commonly known as the Nettlefold Street development. Ms Tucker asked whether I was able to make available any relevant documentation from my office which outlined my attempts or my office's attempts to negotiate a land swap.

As I advised the Assembly yesterday and, indeed, on 23 October last year, my office has sought to discuss with the developers the possibility of a land swap. The details of those contacts are as follows: my planning adviser from my office has had several telephone discussions with the development agent. She has put to the agent that the government would like to discuss the proposals to swap the land for another site. The response was to the effect that they believe the development proposal was too far progressed to change at this stage, particularly as they were about to commence construction.

My planning adviser asked whether she could speak directly with the owner of the lease and was advised that he was overseas and would return in two weeks to discuss this proposal. The lessee was actually away for three weeks. In late November, my planning adviser called the lessee's company and left a message about the proposal of a land swap and waited for a call from the lessee. There has been no return call.

3 March 2004

My planning adviser subsequently confirmed with the agent for the lessee that they did discuss the matter with the lessee, who was of the same opinion as that expressed by the agent, namely, that the development was too far progressed to consider a land swap.

Ms Tucker asked me whether there was any documentation. There is no documentation in my office as to these actions, but I refer members to *Hansard* of 23 October last year of the answer I gave when Mrs Dunne asked me what I had done to put this motion into effect. I shall repeat my answer for the benefit of members. I said:

Mr Speaker, my office and I have sought to get in contact with the agent representing the lessee of the site on Nettlefold Street. My office has had a number of discussions with the agent of the lessee and the agent has indicated that they do not believe the lessee is interested in any way in a land swap and is currently preparing to commence construction activity very shortly. My office has also been seeking to get in touch with the lessee directly but to date we have not been successful in being able to do so.

Mrs Dunne went on to say:

Mr Speaker, I have a supplementary question. I commend the minister for his actions so far. Will he undertake to keep this Assembly informed of progress?

I advised the Assembly:

If there are any new developments in the matter, I am happy to keep the Assembly informed.

## **Aged persons accommodation**

Debate resumed.

**MR CORNWELL (3.27):** Mr Speaker, we welcome the government's agreement to provide the information sought by this side of the house in Mrs Dunne's motion. May I say that it has been a time coming. For some time, I have been putting out media releases, as has Mrs Dunne, asking the government about where it is going to allow various aged care facilities to be built.

If the promises that this government has been making in relation to these facilities being provided had been met, we would have had all of these beds taken up and occupied a great time ago. It is, I believe, unfortunate that the current situation has arisen. It is a matter of great concern not only to aged people's groups in the ACT and, of course, the individuals who are suffering, but also to the Commonwealth. Senator Humphries commented recently on radio that the Commonwealth is very concerned about the tardiness of the ACT government in picking up on these matters. It is obviously a concern that we share.

Mr Corbell in his response to Mrs Dunne made mention of various facilities. He mentioned Calvary, he mentioned Southern Cross Homes at Garran and he mentioned, I think, one at Hughes. If it is at St Andrew's Village, I would naturally welcome the fact that something is being done about that because, along with Calvary and Southern Cross

Homes, it has been in the pipeline for years. If I were a suspicious person, I would imagine that it had been deliberately held back, callously so, so that this government could make some copy, some publicity and hopefully some votes out of suddenly announcing it in an election year. Naturally, I would be shocked if that were the case.

I have, however, come to the conclusion that Mr Corbell and the minister for the ageing, Mr Stanhope, really do not know what each other is doing. As evidence of that, I refer to a Council on the Ageing meeting held on Monday, 16 February at the Hughes community centre at which a case manager for older persons accommodation appointed by the Chief Minister a month and a half ago, on his own admission, addressed the COTA people. I do not know whether Mr Corbell is aware of this case manager appointed by Mr Stanhope, but he had some very interesting things to say.

**Mrs Dunne:** The Chief Minister is second-guessing what Simon Corbell does.

**MR CORNWELL:** Indeed. He had some very interesting things to say, Mrs Dunne. He said that it is his job when a service provider first comes forward regarding a new proposal for aged care accommodation, realising that they do not have knowledge of building and planning processes—indeed, in this city, who does?—to assess the viability of the proposal before planning is involved. I wish the man luck. He really has taken on a considerable challenge.

He pointed out that the land release program, as quoted by Mr Corbell, was under way in Fadden, Gowrie, Belconnen, Gordon, Nicholls, Greenway, Monash. We have had all of these promises but none has been fulfilled. Not a brick has been laid, no foundations have been dug. However, the government, Mrs Dunne will be happy to know, is also developing the O'Connell Education Centre in Griffith and the old Joint Emergency Services Centre site in Curtin. That is news, I am sure, to the residents around section 78 Griffith and at Curtin.

**Mrs Dunne:** Section 78 Griffith!

**MR CORNWELL:** Yes, we are revisiting the song. Some 700 to 1,000 beds will be provided at those sites and there is a need to pressure the Commonwealth on the funding. Why? This government already has 255 beds that it has not taken up. Why on earth should the Commonwealth turn round and provide for more beds which presumably will not be taken up? I presume that because the evidence is here that the ACT government has not yet actioned the 255 beds that it has been given.

You will be pleased to know that, of those 255, 14 are under construction, 210 will be commenced this year and 80 will be completed this year. Then there are to be 50 transitional care beds. I am a bit confused here because when I went to school 14, 210, and 50 did not work out to be 255, but never mind. The transitional beds, presumably, are not a part of these numbers because they are going to be taken from existing beds which will be leased to the ACT government—borrowed, that is—to provide this transitional care. Why? If the government had done its job in the first place, there would not need to be any transitional beds.

However, be that as it may, at least we are relieving some pressure. You will be pleased to know, Mrs Dunne, that the proposals for the O'Connell Education Centre and the

3 March 2004

JESC site will be combined with the redevelopment of existing sites and vacant portions of existing community facility leases—you are sitting down, aren't you?—such as next to Catholic churches. I am not making a mistake in saying this because these words were taken down verbatim. So next to Catholic churches but not, it appears, St Vincent's in Aranda. Presumably, exceptions will be made.

The case manager went on to say that system reforms are needed to streamline approval processes without compromising good planning. I think we would all agree with that, but why hasn't it taken place? Why do we have this enormous backlog? We are dealing with thousands of people, because a lot of the aged care places have already closed their waiting lists. They cannot take any more or they do not wish to take any more because, obviously, they do not wish to mislead people and they do not wish to give them false hopes. Under this government, it would be very easy to give them false hopes.

A simplified formula, so the case manager, said is required for valuing aged accommodation sites, and there is a need to simplify requirements for design work prior to conditional approval. Nobody is arguing with that, although I do have some concern about a report to me that in looking at a facility for Alzheimer's disease units the planning people—I am talking about Alzheimer's disease units—were insisting on French windows. Those are people that are apt to walk and wander. Why are French windows needed? I have no reason to imagine it is impossible. Anything is possible with this planning minister in charge.

**Mr Corbell:** Back that up with facts, not obscure assertions.

**MR CORNWELL:** Promises, promises, promises, Mr Corbell. You have not delivered on a thing. We want to see some evidence—

**Mr Corbell:** Back it up with some facts.

**MR CORNWELL:** I have it on very good authority. I am certainly not going to tell you about it; you will just knock out their applications, too. I am not prepared to allow that to happen. The fact is, I repeat, that we welcome the government's agreement to provide this information. Mrs Dunne and I will be waiting for it with enormous interest.

**MS DUNDAS (3.37):** I hope to be brief in speaking to this motion. It is a quite sensible and simple motion asking the government to put before us information in relation to applications for aged care units and how land allocations are going, development applications are being progressed, which proposed developments are in the application process, which proposed developments have been withdrawn and which proposed developments have been rejected.

Having this information will allow us to engage in a proper debate on the extent of need and the extent of movement in relation to aged care places in the ACT. It seems, however, that this debate has turned into almost an MPI on the state of aged care in the ACT. I for one would like to have this information before me before we wander off into that broader debate about what is happening with planning in relation to aged care, because we just do not know.

Various assertions have been made both in the chamber today and through the media about the state of play in relation to planning and development applications for aged care accommodation. I think the motion that Mrs Dunne has put forward is quite sensible as it will allow us to get the information we need to have an informed debate. I am pretty sure that this debate will not go away any time soon as we do have a lot to do in relation to aged care.

I would like to take the opportunity to use this debate almost as a matter of public importance to raise some concerns in relation to aged care services. We know about the growing need and the long waiting lists for people wishing to access aged care services, but an issue that I do not think has been looked at in terms of the aged care debate is that some aged care units, accommodation set aside in nursing homes, are actually being taken up by young people who have intensive care needs as a result of serious brain trauma or other serious injuries.

Quite often, these young people are ending up in nursing homes because there are no other appropriate caring facilities for them. That is unacceptable and an unfortunate hindrance to their rehabilitation and it takes up beds that aged people are trying to access. My Democrats colleague in the Senate, Brian Greig, has proposed that revenue from speed cameras go towards providing adequate facilities to young people who are injured as a result of car accidents so that they no longer just get shunted out of sight and take up places in nursing homes.

I add that to the debate. We are trying to find adequate aged care accommodation places to service the need of Canberrans. One way to do that is to look at who is currently taking up beds and whether they can be better serviced in other appropriate facilities.

I thank Mrs Dunne for putting this motion on the table, I thank the minister for saying that he will be able to comply with the will of the Assembly and I look forward to the progressing of the debate and getting more aged care units out there in the community to support the demand and need.

**MS TUCKER** (3.41): The Greens will be supporting this motion as well. Important information is being called for and I think that its provision would bring some clarity to the whole discussion. I do want to broaden the debate a little on aged care. One of the features of the Canberra spatial plan and the economic white paper is that they presume that Canberra will have an ageing population and that is seen to have an economic cost. Recent modelling of ageing in Australia suggests, however, that older Canberrans will not be such a drain on our resources.

In a paper presented to a forum held by the New South Wales Department of Ageing, Disability, Home Care and Housing in February 2002, entitled "The income and wealth of older Australians—trends and projections", the authors found that the average wealth of older Australians almost doubled—from \$106,000 to \$204,000—between 1985-86 and 1996-97 and that, while the after-inflation incomes of the bottom 25 per cent of older Australians remained stable over the 11 years, the incomes of the top 25 per cent rose.

They argued that, while many older Australians will have insufficient resources to fund a comfortable retirement, others will have substantial assets to fall back on. I am talking

3 March 2004

broadly here about trends. The simpler question of beds and aged care facilities, while vital to the interests of all Canberrans, is only one of the factors that we need to consider. Please do not misrepresent me; I am not saying that it is not an important factor as it most certainly is. And it is not simply about permanent accommodation. There is a well-identified unmet need in Canberra for convalescent accommodation, respite care and an older women's refuge.

Another sociopolitical dimension to ageing in Australia is that we are now moving towards the post-war generation, not only the largest cohort in our population but also a generation that have a demonstrated interest in ongoing activity in their latter years and community living of greater flexibility in their way of life, so we need to ensure that there is a range of aged persons accommodation in our community. There are in Canberra a number of APUs that provide an independent setting and some more community-focused facilities, such as Abbeyfield House. Bear in mind that, while a good number of older Canberrans need community support, others will have significant financial resources behind them.

One area that has been raised with me is the lack of options for people who do not qualify for public housing support and yet are trapped by their moderate wealth in isolated houses. It seems that there is scope for some form of private community partnership in aged people's housing development. In addition, I would like to see evidence in Canberra and across Australia of further exploration of innovative approaches to accommodation for aged persons, such as community housing models, individual support packages and a more general commitment to adaptable housing. This motion, however, is specific to the structure of aged accommodation financing and provision as it exists, but I think that it is important not only to ask for figures but also to understand the rationale.

Mrs Dunne spoke at length about the proposed development by the Little Company of Mary in south Bruce. She did not quite give the complete picture, but I am sure that she is aware that one of the problems that caused the delay there was that the goalposts definitely were shifted. It was explained to me by the Little Company of Mary that their initial estimates of independent living units were changed dramatically after they brought in a consultant to look at the situation, which meant that the consultation process had to take into account that changed goal in terms of the number of independent living units. Of course, that had other implications, including environmental implications, which were being thought through.

I am not clear on exactly how strategically the government is approaching the provision of aged care, but I was concerned when I looked at what was happening in Belconnen with the lakeshore development. It is quite vigorously opposed by the Belconnen Community Council, which sees it as a way of government raising revenue once again from the other accommodation/residential development that will occur on the site.

You have a situation where you have an aged care facility basically justifying the privatisation of public space around the lake and that, obviously, is of concern to people who have the long-term interests of Canberra at heart in this regard, Belconnen in particular. There are concerns about retaining particularly the public spaces around the waters of Canberra, which obviously will become more and more precious as the density of the population increases.

Some really quite sensible proposals have been put for looking seriously at the redevelopment of the industrial area or the semi-commercial area of Belconnen—I am not quite sure how it is classified, as well as the Phillip commercial zones—

**Mrs Dunne:** Trade services areas.

**MS TUCKER:** Mrs Dunne tells me that they are called trade services areas. These areas have lots of potential. They are certainly underutilised now and are not particularly a thing of beauty, but they have very good attributes considering how close they are to public transport and other facilities and there is the potential to bring about a mix in those areas which could include accommodation for aged people who are happy with that kind of more urban environment.

There is also the whole question around the golf course development which the environment and planning committee is looking at, I understand. I have concerns about the government's position on that and can see why some would argue that this development is being rejected by the government because it does not want to see its other development on the lake threatened in some way.

I do not know whether that is possible. If we have such a need for aged care, you would not think that that competition would be a real issue. Whatever the reason, I am concerned that the government has been so hostile to that proposal at Belconnen. Whilst it does have some issues around proximity to services and bus routes, so do the other places that the government is supporting. That is a real inconsistency. You cannot argue that the one on the Belconnen golf course is not okay because it is not really close to services if you look at the distance from the Bruce proposal to facilities. Also, the lakeshore proposal is not really close to services, so the government is not taking a particularly consistent position in arguing that access to services is a major concern with that proposal.

I am sympathetic to the position of Mrs Dunne that the ACT government can and should do more to facilitate the development of aged persons accommodation. I would suggest that some of the redevelopment targeted for central Canberra could have some lease purpose clauses inserted in them to ensure that there is a growth in accommodation for the aged. There is a danger, however, that the need to develop a range of aged care support and accommodation could be at a cost to other community facilities or the environment if we are not careful about what we are doing. Obviously, the Greens will want to see that the processes are respectful of the other things that the community values.

**MRS DUNNE** (3.49), in reply: In closing the debate, I thank members for their support—I think that it goes without saying that this is a vitally important issue—and I thank the government for its participation in this way, but I think that it is doing so a little begrudgingly. The minister justifies his position by saying, “You’ve never asked for information in the past; that’s why we’ve never told you anything.” That rather belies the election commitment of open and accountable government.

**Mr Corbell:** Maybe it just means you’re lazy. It is rumoured.

3 March 2004

**MRS DUNNE:** Can I have that withdrawn, please? I do not know that it is appropriate to say that a member is lazy.

**MR SPEAKER:** Give me the detail of your point of order.

**MRS DUNNE:** My point of order is that the minister interjected that I had not asked because I was lazy. I think that that is inappropriate and should be withdrawn.

**MR SPEAKER:** It is highly provocative, but—

**MRS DUNNE:** If you do not want to withdraw it, okay, fine.

**MR SPEAKER:** It is highly provocative, but I do not think I can rule it out.

**MRS DUNNE:** Oh, you can be highly provocative, okay. Don't tempt me, Mr Speaker.

**MR SPEAKER:** I know that that is something that is foreign to you, Mrs Dunne.

**MRS DUNNE:** Absolutely, Mr Speaker. I do thank members for their support. I hope that the list will be comprehensive. I hope that the list that comes forward will have been run past the adviser in the policy group in CMD who seems to be keeping an eye on aged care for the Chief Minister. The original intent of this motion was to incorporate that, but there does not seem to be any role for the Chief Minister in ageing and the motion was amended. But I would like to see some informal participation by the Chief Minister, because he is obviously keeping his department with a close eye on this issue.

A number of issues have been raised in this debate, the most provocative ones being those from the Minister for Planning. I think that the one that requires most comment is that, because this Assembly signed off on the variation to land use policy in relation to community use, we signed off on an approach which means that you go at the absolutely minimalist pace. We did sign off on a process and the planning and environment committee, of which I am the chair, agreed to a change in the land use policy because it was sensible and it was seen to address the needs of the community. In fact, there were members of the community who were waiting in anticipation for that land use change so that they could forward some proposals to the government.

But at no stage in any of that discussion with the community or when the planning and environment committee looked at it did it ever cross anyone's mind or was it raised by the government or any of the officials that they would contemplate charging a betterment tax for community land that cannot be disposed of. Using the Aranda example again, the land there is owned by the Catholic Church, which has a lengthy lease. It cannot be disposed of, but if they build supported housing on it there is suddenly to be a betterment tax. There is no increased value on the land because the land cannot be disposed of.

The Minister for Planning, even with the low grasp that he has of how the market operates, would recognise that if you cannot sell something it does not have value; therefore, it should not attract a change of use charge. You do have to wonder about what sort of brief the valuers were given if they came away with a change of use charge of \$20,000 per dwelling. At no stage in any of the discussion about the change in territory

land use policy in relation to community land was there ever a discussion that this land would be subject to a change of use charge.

Issues have been raised in this debate about the slowness with which this government is approaching things. The minister says that he is doing it according to Hoyle, that he is doing it according to the land act, but the concern that everyone in this place has—let me say everyone on this side of the house has—and many in the community have is the slowness with which this process is being conducted. It is almost as if, as Mr Cornwell said, they are out of venom drawing things out in such a way that people in highly stressed housing circumstances are being put in quite vulnerable situations. I think that it is inappropriate that this tardiness should continue. I hope that the provision of information today will help us in the process of making sure that this government is more accountable to the people of the ACT about the provision of aged care accommodation.

I thank members for their support.

Motion agreed to.

## **Mentally ill persons—transportation by police**

**MS DUNDAS (3.56):** I move:

That this Assembly calls on the Minister for Police and Emergency Services to require that plain-clothes police and unmarked police cars be used wherever possible when collecting a mentally ill person from their home for assessment by a psychiatrist.

Mr Speaker, this motion arises from concerns that mental health consumers have raised with me about how they have been distressed or damaged by the current system when people with suspected mental illnesses are apprehended by uniformed police. Mental health advocates and families of consumers have indicated to me that they are very supportive of this motion, that it will address some of their minor concerns about the current state of affairs in relation to the interaction of the legal system and the mental health system.

If this motion were successful today it would greatly increase the dignity of people with mental illnesses and help reassert the fact that our psychiatric system is about trying to help heal people, not punish them for being unlucky enough to have a mental illness. I will repeat my motion for the benefit of members. It states:

That this Assembly calls on the Minister for Police and Emergency Services to require that plain-clothes police and unmarked police cars be used wherever possible when collecting a mentally ill person from their home for assessment by a psychiatrist.

People who develop a mental illness usually have committed no crime. However, our law permits these people to be detained and subject to medical treatment against their will on the ground that it is in their best interest. The rationale for apprehending and detaining people with serious mental illnesses is that they are unable to make a rational decision to seek the medical treatment that they urgently need.

*3 March 2004*

After treatment has been administered and the patient is deemed to be well again, some people are glad that they were forced to receive treatment, but some are not. But no mentally ill person is happy about being treated like a criminal when they have broken no law. At present, police are often used to collect mentally ill people to take them to hospital for assessment by a psychiatrist where an application has been made for a psychiatric treatment order.

Under the present system, usually a marked police car pulls up out the front of the house of the person whom the crisis assessment and treatment team has determined is probably in need of psychiatric treatment and who is unwilling to voluntarily admit himself or herself. Uniformed police, usually two or three of them, knock on the door and attempt to convince the person to come to hospital with them. Sometimes they actually end up half carrying that person into the police vehicle. All too often, the waiting vehicle is a paddy wagon.

You can imagine how this looks to people living next door. It looks like the person being taken away has been arrested for some serious crime, one that is too serious even for a simple court summons. The loss of dignity that mentally ill people suffer in this situation, often at a time when they are at their most fragile, is severe. It creates further stress at the time and sometimes even results in further illness, such as post-traumatic stress.

I think that it is worth mentioning that this humiliating experience can happen to someone who does not even have a recognised mental illness. Some young people who have rejected their parents' values are finding themselves being dragged into the mental health system because their parents decide that they are displaying signs of a mental illness. If the young person refuses to speak to the CAT team, they may find themselves forcibly transported to hospital by police for psychiatric assessment, at which point the psychiatrist decides that there is no illness.

Theoretically, a similar thing could happen to any one of us, because you can be apprehended by police even if you have not broken a law and no doctor has formed an opinion that you have a mental illness. It can be traumatic and embarrassing not only for the individual involved but also for their relatives and friends as they see their child, their parent, a partner or a friend taken away by uniformed police in a paddy wagon or a marked car.

The wearing of uniforms also adds to making the police officer's job more difficult. Many people with mental illness have a great fear of police in uniform, or anybody in uniform. Where they would offer little resistance to a plain-clothes officer, they panic and resist an approach by a uniformed officer.

And ill person being taken away by police is often left with fear after the event that a police car may pull up without warning at any given time. They start to panic when they see uniformed police or marked cars in the streets. It does not make sense for vulnerable and often law-abiding people to become frightened of the police. We should be working to avoid that outcome.

People in breach of an existing psychiatric treatment order are also collected by uniformed police for involuntary hospital admission. I do not specifically deal with this situation in the motion I have put forward today, but I raise it as the same arguments apply where people with suspected mental illnesses are collected for their initial psychiatric assessment.

I recognise that it would create administrative work for the police if they had to make an effort to avoid sending marked cars in response to calls from the crisis assessment and treatment team. However, the dignity of people with serious illness is of fundamental importance and I think that it is worth the extra trouble to preserve that dignity.

We have had quite recently a substantial debate taking place in our media, in our courts and throughout the community about our mental health system and its relationship with the legal system. We have heard from individuals who have suffered great heartache and great distress in relation to mental illness and how that has been turned into a criminal incident. It will take a concerted effort to fix these broader problems. I hope that we will take the time to work through those issues.

The debate about having a secure facility for those with psychiatric illnesses is one that we need to work through. But I see the motion I have put forward today as quite simple and it will make such a big difference to those suffering from mental illnesses and their families that I cannot see how this Assembly could not support it. We have heard from families, we have heard from those suffering mental illnesses and we have even heard testimony from those who have subsequently died about how much trauma being collected by a police car puts on them and how much it affects their ongoing treatment. We need to do everything that we can to improve this situation and we need to do it as soon as we can.

With this motion today we can make a very simple change that will make such a big difference to so many people. I recognise that it will not always be possible for unmarked cars and plain-clothes police to be used as we know that the police are overstretched and often have to respond to unanticipated events. That is why I specifically included the words “wherever possible”. But I hope we can achieve an improvement on the current situation where marked cars seem to be used in almost every case.

As I said, there is a lot that we need to do. I think that we could even have a debate about whether the police are the most appropriate ones to be escorting people to hospital for assessment, but it is the situation that we are working under now and I am looking for a very simple change to help people who are being affected by it now.

I note that there are some amendments being circulated. I look forward to the debate on those amendments, but I hope that the Assembly will see the benefit of this motion and support it today so that we, as of today, can be providing some extra support and making a real difference in the support of people suffering from mental illness.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (4.05): Ms Dundas has delivered a motion which superficially appears

reasonable, but it is really not sustainable. The motion falls down because it assumes that the problem is one for the police alone to resolve. That is just not the case.

Problems can emerge, no doubt about that, but the situation is not capable of so simplistic a solution. Indeed, the problem is wider than just that of transporting people from home to hospital, which is the one aspect that Ms Dundas has identified. There are many circumstances in which marked police cars carry people with a mental health problem and that also could well be an issue for consideration. Whilst supportive of the need to address mental health in the ACT, this proposal fails to consider all the difficult issues which need to be addressed effectively to manage people with mental illness and dysfunction and to do so with dignity and respect.

Care is taken by the police in the transportation and management of those with mental dysfunction or illness, as those police may be seen to be associated with criminalising and stigmatising what is essentially a health issue—the point that Ms Dundas raised. The police understand the sensitivity of this issue. They should do because they have to deal quite often with incidents requiring some intervention or some response, frequently taking a great deal of time. Three-quarters of the responses involve some kind of transportation.

The proposal to have plain-clothes members in unmarked cars to respond to such matters would appear to be a step towards addressing those concerns. However, it fails to address policing practicalities. I think there are some circumstances where plain-clothes police are involved, but I am not sure that there would be very many. Plain-clothes police officers in unmarked vehicles are not available for the provision of routine assistance in such incidents due to the specific nature of their commitments. Plain-clothes police officers in unmarked vehicles are not typically allocated to attend routine response incidents, due to their investigative roles.

ACT Policing has delineated tasks to ensure the most efficient and effective response to different types of crime. It is not practicable to have plain-clothes members in unmarked vehicles specifically available for incidents involving either the routine transportation that I think Ms Dundas is talking about or the emergency transportation of people suffering mental dysfunction, as it would severely restrict their capacity to undertake other duties to which this community gives a very high priority. Nor do non-uniform members have access to the safety features incorporated into marked police vehicles, such as the ability—needed from time to time—to isolate and confine a violent person.

ACT Policing patrols respond to incidents involving people suffering from a mental illness or mental dysfunction in accordance with the current policing practice. General duty officers from ACT Policing are called to assist with the transportation of such patients, often with little or no notice. ACT Policing patrols are dispatched under the ACT Policing priority system. The most appropriate patrol is dispatched, given availability and location.

The patrols consist of uniformed police officers in marked vehicles. The patrols are called upon and are allocated when a situation involves violence or self-harm by a mentally ill person. Anyone can call for assistance, including members of the public, as well as health professionals. Uniformed members are sent to attend to such matters as

they have the required skills and equipment to deal with someone who may be physically violent.

I would like to repeat some comments sent to me by the police consultative board, which has been attending to the issue of police connections with people with mental illness. It supports very strongly the manner in which police carry this out. The words I have from the consultative board are that ACT Policing are seen by most respondents to their questions as handling difficult clients exceptionally well. The comments received included that ACT police are brilliant with psychotic clients, managing to get them to hospital with their dignity intact; extraordinarily good, with a high professional standard of behaviour; very sophisticated in their negotiating skills; and non-judgmental, very sensitive and good at calming clients down.

That is not always the case, of course, but that comes through fairly strongly. Sometimes police performance is seen more as the way in which a particular officer handles the issue but it is significant that, on the advice I have here from the board, in the past five years the Office of the Community Advocate, who has responsibility for people with mental problems, has not had one complaint about the police. I think that that says a deal.

Police attendance beyond that described by Ms Dundas also occurs under MOUs with Calvary Healthcare, the ACT Ambulance Service, and ACT Mental Health. ACT Policing uniform members may be requested to assist with the transportation of patients from various sources, including Calvary Hospital to the Canberra Hospital.

ACT Policing's view of that is that the most appropriate manner of transporting people in a planned circumstance—where it is known that it is going to happen—should be determined following consultation between police, the crisis assessment team, and the ACT Ambulance Service. If patients need to be sedated, they should be transported by the ambulance only to ensure appropriate supervision.

In the absence of any propensity for violence, ACT Policing proposes that the transportation of patients between health facilities be treated as a health issue, not an incident requiring intervention. Let me stress that there is no small number of circumstances in which that police uniform is important. It denotes a level of authority and certainty that action will come if something does need to happen and in many circumstances it is preferable perhaps that that uniform be there.

Nevertheless, I take Ms Dundas's point that where a marked car pulls up outside someone's house it can cause distress. There are circumstances in which some people with a mental illness will react very unpleasantly, perhaps violently, when they see a police vehicle. Balance is needed. If time permits, an assessment needs to be made as to who should handle it, whether it be the police or someone else.

ACT police, when dealing with people suffering a mental illness, seek to maintain the dignity of the person. To this end, transportation by a police vehicle should be avoided if possible, unless there is a significant risk of injury to either the person or to any other person. I think that that is one of the thrusts of Mr Smyth's amendment. This concept is very much part of their background and their training.

3 March 2004

It is the case that one effective response to the acknowledged problem raised by Ms Dundas is that police perhaps should not be called on quite so often to provide a role basically of transportation. Police are not necessarily the major agency in this matter. But where these pick-ups occur, the issue of dignity and the stigma that may be seen to be associated with police involvement in mental health transportation and other issues is a source of some concern and needs to be managed in a sensible way.

A recent New South Wales select committee report recommended the development of a mental health patient transportation service to avoid the problem we have been discussing. I am not suggesting that a jurisdiction the size of the ACT could provide this service. It simply makes the point that transportation is not always a matter that needs to be passed to the police.

Further, the transportation of people suffering a mental illness really is part of a greater issue involving the care and custody of these people. It is currently the subject of an interdepartmental committee which will be reporting to the Chief Minister. ACT Policing is participating in that process. I would suggest that this is a matter that they could well be considering and I think that that is where the consideration, if it is to happen, should occur.

On that basis, I am not intending to proceed with the amendment that I had circulated and I will support the amendments to be proposed by Mr Smyth.

**MR SMYTH** (Leader of the Opposition) (4.17): I seek leave to move together the amendments circulated in my name.

Leave granted.

**MR SMYTH:** I move:

- (1) After the word "require", insert "where operationally possible, and without putting the mentally ill person or the community at further risk,"; and
- (2) Omit "wherever possible".

I thank Ms Dundas for raising this issue. It is certainly an issue that has been at the forefront of my mind for a long time. I acknowledge the long-term interest and commitment of Ms Tucker to mental health issues in the ACT and the interest that Ms Dundas has shown since her arrival in this place.

The other day there was a Schizophrenia Fellowship meeting in an Assembly room and we heard a large number of stories about the treatment of those with mental illness in the ACT. Some of the stories relayed to the meeting concerned how we deal with the police. I came away with a sense that people thought things were getting better, that the police were trying much harder in the approach they took to dealing with somebody with a mental illness, but that a whole lot of extra work needed to be done. I think the police would acknowledge that the system they have is not perfect, simply because, as Mr Wood, points out they should not necessarily be the primary response of a community to somebody affected by mental illness who is having an episode.

Ms Dundas's motion calls on the police minister to require that plain-clothes police and unmarked cars be used wherever possible when collecting a mentally ill person. I think that is good practice, but the reality is that there are probably so few unmarked police cars used operationally that the effect of that probably would be quite negligible, even if they were all tasked immediately with going to the assistance of somebody with a mental illness. That is why I have proposed my amendments.

First and foremost, we have to understand that that must be where operationally it is actually possible. Obviously, plain-clothes police would be used for surveillance. I assume that major crime squad officers, detectives and so on are now getting out more and more in unmarked cars rather than marked police cars, so the operational part of the fleet that would actually be available for immediate response to a call for assistance probably would be quite small.

The other thing would be that, if you had a disturbance reported at a house, unless the police were made aware of the fact that a mentally ill person was involved in what was going on, they may not actually know until they arrive that they are facing somebody with a mental health crisis rather than just a domestic dispute, a break and enter or a fight in a street. There are a number of problems with the whole ability to dispatch a police car to those situations.

That being said, the other problem that I have with the motion is that if you actually do require that the unmarked car go first and it is further away than a patrol car or marked car, especially one which is quite close, you may be putting the mentally ill person and/or the community at greater risk. Unfortunately, on some occasions the immediate response, the quickest response, is the best response, particularly where violence, weapons or threats of self-harm are in place.

The best person to send would be somebody from the crisis team, somebody from the CAT team. If the CAT team is not available, it will contact the police or ask for assistance. Often the community goes straight to the police in the first place. My great fear would be that requiring a response that operationally delivers a slower service may be worse for the person in the long term. I think that there is a case for saying that we must leave that judgment to the police and we must ensure that other ongoing police operations, whether they be protection, surveillance, undercover work or a major crime investigation, are not compromised at the same time.

That will take some balancing. If the life of somebody with a mental illness is at risk, we need to get somebody there as quickly as we can, but the day-to-day function of the police is not primarily to deal with those with a mental illness. Perhaps that is a debate that we need to have further. I think that it is a debate that we are going through as a community. I understand that about 6.8 per cent of the ACT health budget is devoted to mental health. The national average is about 7 per cent. Some of the more progressive countries are spending between 12 and 14 per cent of their health budget to achieve best practice in dealing with mental illness. The debate will evolve and, as a community, the debate must evolve.

I think that the point that Ms Dundas has made is a good one. I think it is a good idea but, in terms of practicality, I am not sure that there are that many cars available to respond, I

3 March 2004

am not sure that they should be the first response if a quicker response can be achieved by using a marked car and I am not sure that we should be taking the risk of putting the mentally ill person or the community—in this case, the person’s family, friends or those in the neighbourhood who are close to the person—at further risk.

It was relayed to me by a friend who is aware of some of these cases that the outcome of having the police there sometimes is of dire consequence to those with a mental illness. I have been told of one instance where a gentleman was having an episode, a call was placed for assistance, a marked police car responded and when the officers arrived in uniform, in full kit, the gentleman became even more agitated, saying, “What are you doing here; I am not violent?” He resisted their attempts to help him. The officers were then forced to handcuff this individual, who became even more agitated. On the way to the hospital his episode became worse and it actually ended with very sad and quite awful consequences for the individual.

Sometimes the arrival of the police is not the best outcome, but sometimes it is the only thing that we can do as a community. As this discussion with the community evolves, we will really have to search our souls to determine what to do with those with mental illness and how to help them as best we can. That said and with all that in mind, I thank Ms Dundas for the motion. I think that it is a very good motion. It certainly brings to mind how we must work continuously to improve things for those with mental illness.

I think the amendments I have put make quite clear that the desirable outcome, if operationally possible, is to send an unmarked car with a plain-clothes officer. At the same time, we should not compromise the safety of the person involved or the community; hence my first amendment. The second amendment seeks to remove the use of the words “wherever possible” a second time to make the motion read better. I commend Ms Dundas for bringing forward the motion and hope that the Assembly will approve of my amendments.

**MS TUCKER (4.24):** I will speak briefly to the amendments and the motion. The Greens will support Mr Smyth’s amendments to Ms Dundas’ motion. We support the intent of the original motion, but also support the qualifications brought in by Mr Smyth. The issue is complex for lots of reasons. It is complex because you have to do as much as possible to achieve best practice from the policing perspective as well as from the mental health perspective.

I have to put on the record again my concern about the resourcing of the CAT team and mental health services generally. I think that this debate has to be seen in that context. It is true, I agree, that the attendance of police officers in uniform can be distressing, but so can the attendance of police officers not in uniform. As to the example that Mr Smyth just gave, I do not necessarily think that it would have been any different if there had been people not in uniform coming in and saying, “We think you’ve got a problem.” That person obviously was not of the view that he did have a problem and did not want to be taken away.

I think that it is a reasonable question to put. I know that it is a problem; it is an issue, because people feel that the stigma around mental health is already significant, given all the recent media about the violence related to mental health. I know that it is coming from a desire to get good facilities, but it is causing a really negative spin-off as well, one

of which I am sure people are aware, in that people get the notion in their minds that mental illness means violence, which is not the case in the majority of cases.

But that is the debate we are having now. That is the environment in which people with mental illness and people supporting them have to live. I think that this is a reasonable suggestion, but it really does have to be decided by those people who have to make the decisions about policing resources as well as what is best practice in terms of support for people with a mental illness and whether they could be more traumatised by police officers in plain clothes rather than police officers in uniform because at least they know who is coming if they are in uniform.

Basically, I am saying that the issue is complex. I repeat that I think that the big issue here is the resourcing of the CAT team and why it is that police are being used as often as they are.

**MR CORBELL** (Minister for Health and Minister for Planning) (4.27): As Mr Wood has pointed out, the government will be supporting the motion with the amendments proposed by Mr Smyth. I think it is worth spending a couple of minutes reflecting on some of the issues this motion raises. First of all, I think that it is worth making the point that Ms Tucker raised, that is, that it is not necessarily the case that the presence of a plain-clothes police officer will automatically mean that the situation will be in some way defused.

The reality, of course, is that people who need to be taken, say, to the psychiatric services unit for assessment and treatment are frequently taken there against their will. That is a difficult situation for the officers involved, both police officers and officers of the CAT team, and inevitably can cause friction with the persons being told that they need to attend the PSU for assessment and possibly treatment against their will. It is always going to be a difficult set of circumstances.

The other point I would like to make is about the comments Ms Tucker made around staffing for CAT. The government has significantly increased resources for mental health. When we came to office the spending was \$67 per head of population. We now have it over \$100 per head of population. There has been a very significant improvement in the level of funding to mental health services. There has been a sustained increased of close to \$4 million to \$5 million over the last 2½ years.

That said, there will be circumstances where the CAT team will not be the group of people to deal with the situation completely. Certainly, they have the understanding of the circumstances and the sorts of reactions that could be expected from someone with particular types of mental illness, but at the end of the day they are not necessarily able to deal with someone who is very active physically and potentially violent. In those circumstances, it is appropriate to call the police; that is the role of the police and they work in conjunction with the CAT team in making an assessment about whether or how someone should be transported for assessment and treatment.

It is a difficult issue and it is a complex issue. Whilst I think that the intentions behind Ms Dundas's motion are good, the issue cannot be oversimplified. For that reason, the amendment proposed by Mr Smyth is a suitable way forward.

**MR PRATT** (4.30): Mr Speaker, I rise today to support Ms Dundas's motion on interaction between the police and the mentally ill. This motion is clearly about routine escort tasks and is not meant to address more complicated confrontational issues. Mr Speaker, I believe that this is a very important issue that has significant consequences for both the mental and the social wellbeing of the community. The important part of Ms Dundas's motion is the requirement that plain-clothes police and unmarked police cars be used wherever possible. She is not asking for the impossible. That is why I think that this motion is eminently supportable.

Mr Speaker, the Liberal opposition has identified that there are occasions when there is not time to call in an unmarked police car with plain-clothes police officers to respond to a CAT request. However, lack of time is the only reasonable excuse in that case; lack of resources is not a reasonable excuse. When an urgent request comes from CAT to the police to pick up someone, the closest car may be the only option to take to attend. That is understandable. But there are many other cases where there are delays of days or even weeks between a CAT request and when the police pick up a person if the situation is not urgent; so there is time for the task to be sensitively planned.

That is an example of when an unmarked police car and plain-clothes police can attend to escort the people away; there is time to plan for that and put that in place. That is not unachievable; it only takes planning. I think Ms Dundas has made a valid point. We feel that the service overall can be improved upon, which is the aim of the motion. That is why it is one that needs to be supported.

I go on to say that when people's homes are attended by police, not only does it attract attention but also it attracts suspicion. When someone is escorted from their home by uniformed police officers and taken away in a marked police car, a stigma is automatically associated with the person by the person's neighbours and the community in general. That is unnecessary, unfair and unwarranted on occasions where those persons are only being escorted from their home for assessment by a psychiatrist.

One would have to wonder what would be said if we were put in that position. I know how I would feel and I am sure that the minister would feel the same way. That applies particularly to the many people who, in other circumstances, are leading quite a normal life and the stigma that can then be attached if they are seen to be escorted away by uniformed police in a marked police car. It can be severely embarrassing for them and quite compromising. There are also some mental illnesses that cause people to react negatively and violently towards people in uniform. It is for precisely these reasons that plain-clothes police officers and unmarked police cars would be safer and more sensible to use, so long as operational priorities allow.

If I could just turn to a couple of comments made by Mr Wood. He raised the point that police cannot always be easily available. I think that is acknowledged by all the participants in this debate. I do not think anybody is calling for a civilian-clothed patrol to be perpetually on standby for CAT tasks. Where time permits and operational restrictions allow, we believe that greater effort can be made to provide unmarked cars for routine CAT tasks.

Mr Wood also raised the issue of health department transportation for mental illness patients, especially those who do not have a history of violence. I think that is fair enough. It is an option that may be further explored. However, a decision as to whether a mentally ill person required an unmarked police escort or health department, non-police transportation would need to be one very carefully made and entirely authorised and signed off by an appropriate health officer in the interests of community safety. I think that we have to accept that in too many cases there will have to be police services provided for this task.

Mr Smyth's amendments are good ones. They tighten the motion and qualify the call we place on the government and the police in terms of other operational and safety requirements. Mr Speaker, I do urge the government to realise the importance of this motion. I think they are going to support it. I would welcome that.

**MS DUNDAS (4.36):** I will speak to the amendments and close the debate at the same time. I see the importance of the amendments that Mr Smyth has moved and I think that they will serve to make this motion more workable, but I would like to make it quite clear that I hope that the minister for police and the Minister for Health will communicate to officers in their departments and their areas the true intention of the debate today and that, even though we are leaving in the caveat that, where operationally possible, an unmarked police car should be used, we have expressed the view that the support needs of the person who is mentally ill are considered to be paramount and that every effort should be made to avoid the situation becoming more stressful.

I would like to raise some other issues concerning mental health and the relationship with the legal system. I cannot say it enough times that being mentally ill is not a crime and we must stop treating mentally ill people like they are criminals. We need to look at the other support services. Ms Tucker raised a point concerning the resourcing of the CAT team. Are the CAT staff trained to be able to escort people through to assessment themselves? Why are the police called in the first instance?

I would have preferred to have tabled a more broad-sweeping motion that tried to undo the last number of years of this process and put forward an entire regime change, as it would be, but that would take time to implement and I think that this motion will make a difference from today for people on the ground and we will have the broader debate later and, hopefully, see more changes to support people in our community with mental illnesses.

There is a need for a time-out facility so that people do not actually get called in for an assessment or have the CAT team order an assessment, but instead say to themselves, "I'm not feeling okay. I need a few days to work things out before they reach crisis point." Also, there is a need for secure forensic facilities so that people with mental illnesses are not asking to go to the BRC as it is the only place they feel safe. A remand centre is not the right place for people with mental illness to get support for their illness and proper treatment.

There are many different issues that need to be addressed in the broader debate, but what we are doing today is we are requiring one very simple thing to be done and it is one thing that will make a difference. I thank the Assembly for their support and I hope that

3 March 2004

we will continue to make changes to support people in our community with mental illness and we will address the other issues that have been put forward today and actually commit ourselves to looking after our community.

Amendments agreed to.

Motion, as amended, agreed to.

## **Williamsdale Quarry**

**MR SMYTH** (Leader of the Opposition) (4.40): Mr Speaker, I move:

That this Assembly calls on the ACT Government to provide, by close of business today, details of:

- (1) the process by which the sale of Williamsdale Quarry was achieved, including details of any public tenders that were sought and the responses to those tenders;
- (2) the sale of the Williamsdale Quarry business and assets, including the sale price;
- (3) all parties who expressed interest in buying Totalcare's share of the Williamsdale Quarry joint venture;
- (4) the reasons why various parties were unsuccessful in their offers to purchase the Williamsdale Quarry business; and
- (5) any involvement and undertakings by Totalcare in the Williamsdale Quarry business after 30 June 2002.

Mr Speaker, serious concerns exist about the way in which this government disposed of Totalcare's interest in the Williamsdale Quarry. In answer to a question without notice on 10 February this year, the Treasurer said, in part:

...if members are getting excited about some of the reports in the media, that the reports are not quite accurate. There is not much salacious to look forward to as a result of the recent reporting.

That is a typical sort of answer from Mr Quinlan—"Believe me, I'm an accountant. Trust me, I'm an accountant. There is no need to provide information." That is a complete contradiction of the promise made in 2001 about having a Labor government that is open, responsible and accountable. Unfortunately, that is not necessarily so in this case. As an aside, I refer to the Treasurer's use of the word "salacious". "Salacious" refers to lust and lechery and its use was completely inappropriate in this case, unless there is more to this saga than we really know.

Mr Speaker, the Assembly and the community have been treated with complete disdain by this government over the sale of the Williamsdale Quarry. When these affairs first came to air, we were offered a briefing on the Williamsdale Quarry. That was arranged and the briefing team turned up, as scheduled, on 20 February. But did we get a briefing on the quarry? Not quite. What we actually got was a briefing on a different matter—

Totalcare's problems with superannuation that extend back 10 or 11 years, as we were told by the briefing team, which would take them back to the middle years of the Follett government.

We had very little about the quarry. We were told that the answers to questions we asked were confidential or that things would have to be checked and that, if we wanted to follow them up, the appropriate place to do so was in the chamber. Well, here we are in the chamber. The question is: what is there to hide? A public asset has been sold and I think that the public deserve and, because of the approaches I have had, clearly require information and answers much more than we have had.

The Auditor-General has provided some information—you have to commend the auditor for that—that would not otherwise have been available to the Assembly and the community. He has constructed accounts to provide information to the Assembly that gives an order of magnitude of the sale price. That price would appear to have been incredibly low.

It depends on how you interpret the words used on page 235 of the Auditor-General's report 7 of 2002, concerning financial audits with years ending to 30 June 2002, but revenue for the quarry joint venture that year is listed as \$4,000 for interest and \$268,000 for "other". When you look at the notes you see that "other" consists of proceeds from the sale of the Williamsdale Quarry, an insurance claim and compensation. I certainly hope that we did not sell the quarry for less than \$268,000, but who would know?

Another thing that we were told was the reason that the government cannot tell us for what it was sold is that there was a commercial-in-confidence clause. I was told that, if I wanted, I could ring Pioneer and see whether they would tell me what it was sold for, so I did. I rang the area manager and he put me onto the greater area manager in Sydney. That gentleman made some inquiries on my behalf and came back and said that, unfortunately, Pioneer was not willing to release the detail because there were five or six signatories to the contract and they all had to agree on whether the commercial-in-confidence clause could be waived and the price made available. I asked him who were the five or six signatories and he was unable to tell me. So you get this cloak being thrown further and further. You have to remember that this is the government that said that it would not hide behind the cloak of confidentiality.

We also asked questions about the process. There was no public tender, but there was an appropriate process and officers undertook to give further detail, which I am yet to receive. You have to question the lack of release of detail after the event. You can understand that in any process leading up to the event it might be said that we could not be told quite now, but not once it has been resolved. I think that with most tenders the result has to go onto the web as part of amendments to the FMA, but we seem to be hiding behind the cloak of commercial-in-confidence, something on which the former opposition used to beat us soundly around the ears on many occasions.

I think that there are occasions when commercial-in-confidence can be applied, but I think that it should be done so sparingly—perhaps with a leasing rate or a current value that is still at the core of your business. But the government only had one quarry and it could only be sold once because it would not then be the government's and it does not

3 March 2004

strike me that the commercial in-confidence test can be applied in this case. I do not believe that the commercial in-confidence provisions are applicable at this time.

There might be compelling obligations to another government, but no other government is involved. There might be implications for legal action, but we should not have got into a situation in which we bound ourselves up with legal obligations so as to expose ourselves to that sort of action. Perhaps there are security considerations, but I am not sure that is applicable. Perhaps there are genuine issues of privacy or commercial trade secrets and we have on-sold the lease on a deposit. I am not sure that there are either privacy or commercial trade secrets tied up in that. All of those were reasons set out by Labor in opposition as to guiding the determination of when information needed to be protected. I do not believe that a case can be made that those clauses or conditions need to be met now.

I am now aware of any other reasons for applying commercial-in-confidence in this case, certainly not so long after the event. So you have to continue to ask about the nature and the outcome of the sale. What was the price? Were any other considerations involved? What were the implications for Totalcare of what happened to the various assets of the business and how they were sold? What was the treatment of the former staff? What was the treatment of the landowners? What are the rights of the landowners in this regard? They have told me that they have not even seen the new contract. They do not know the sale price and they do not know the terms and conditions of the contract.

You have to question what other interests there were in buying Totalcare's share of the joint venture. How many offers were made? What responses were made to these offers? Indeed, did the public get the best value they could for the sale of the quarry? You also have to question the interest in buying the business and the assets of the joint venture. Why change from the sale of Totalcare's share to the total sale of the whole business? How many offers were made? What responses were made to these offers?

After the sale which came into effect on 1 July 2002, with the sale taking place on 12 July 2002, there is the need to understand any continued involvement of Totalcare in the quarry or ancillary activities. Has there been or is there any such involvement? If so, why and are there any liabilities, contingent or otherwise, that do remain? Again, those questions remain unanswered.

You have then got more general questions about the sale process. What has been the role of the landowners in the sale process? Were they involved? Did they need to be involved? Did they have a right to be involved? Were they treated fairly? Are they satisfied with the outcome? What is their continuing role?

You could say that there are questions as to the role of the Treasurer and the shareholders. Was the Treasurer involved throughout the process? There was a note about briefing him on 19 March. Was he only involved near or at the conclusion of the process? What was the role of cabinet? Did the sale go through the cabinet process? What decisions did cabinet make about the process?

In conclusion, what did the current Chief Minister promise in March 2001? He said that there would be no trading off of our position in secret deals, no hiding behind the cloak of confidentiality. Against those tests, this government clearly has failed. When dealing

with a public asset, the community has a right to know the details unless there are extenuating circumstances. No such circumstances have been put forward in this case.

A large number of questions remain about the sale process and the continuing involvement and obligations of Totalcare. This motion seeks the provision of relevant information to the Assembly. The Assembly will consider this information and develop appropriate courses of action, because I know that I am not the only member interested in this process. I know that a number of other members on this side of the house and some of the crossbenchers are also interested in this process. I think that the Assembly should decide in this instance what information should be in the public domain.

I think that it is about time that we got some straight answers on this issue. When you are offered a brief, you expect to get at least some answers to that which you are after, not to be told after waiting several weeks for such a briefing that there are no answers. It was interesting to be put in the position of actually being told by a staffer that, if you want to take it further, you have to take it to the house, which is where we find ourselves today.

There is such concern with some members that I have written to the Treasurer as the chairman of the Public Accounts Committee seeking such information for the committee. Our role as MLAs is interesting: in some instances we are members, at other points we are ministers, leader of the opposition or shadow ministers, and in some instances we are committee chairs. There is always some crossover. No slight on my part is intended on the committee.

**Ms Tucker:** I take a point of order. I raise for Mr Smyth's consideration standing order 241 and request him to consider it before he says too much more.

**MR SMYTH:** I do not think that I have crossed over the bounds of standing order 241, but if you want to indicate the possibility that I have, I would be happy to take your advice because you have been a committee chair for much longer than I have. I was simply going to say that numerous questions were asked in this house about Bruce Stadium at the same time as an inquiry was going on with the Auditor-General and, at the same time, there was a select committee of this place looking into Bruce Stadium. So it is not incompatible that committees would write seeking information as well as other things are going on at the same time.

I think it is appropriate that you can do that. It has occurred in this place before. In this case, given that the Treasurer seems reluctant to give little, if any, information about this sale, it is open to members to follow whatever avenues they can to get the information that they are interested in. Obviously, we are here to scrutinise what the government does. When you have been approached by constituents to get further information on their behalf, information they have been unable to get, I think it is appropriate that you do so in this place.

With that in mind, I have moved the motion. The motion is quite clear. It asks for a number of things. It might be being a bit ambitious to ask the Treasurer to provide the details by the close of business today. If the motion is successful, given that we wish to finish by 7 o'clock, if possible, perhaps that may need to be amended to, say, the close of business tomorrow. But the questions are reasonable. They are questions about a sale that occurred a year ago, they are questions about the sale of a public asset, and they certainly

3 March 2004

are questions that many in the community, many on this side of the house and some of the crossbenchers are interested in having answered. Therefore, I commend the motion to the Assembly and would ask that the Assembly consider it in a call to have some openness so that we can have an informed debate on what happened with the sale of the Williamsdale Quarry.

**MS TUCKER (4.52):** I am in a difficult position because I am concerned about standing order 241, which says:

The evidence taken by any committee and documents presented to and proceedings and reports of the committee shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person until the report of the committee has been presented to the Assembly.

I think that this standing order applies. Therefore, I am not able to talk about the issue of concern to me here, except to say that I will not be supporting Mr Smyth's motion and I do intend to raise as an issue the use of standing orders within the committee forum. I am sorry, but because of standing order 241 I do not feel that I can say anything else.

**MRS CROSS (4.53):** Mr Speaker, I thank Mr Smyth for bringing this motion forward. He has raised some very serious questions. I have had some concerns for some time. After listening to Mr Smyth, there are many things that I would like to know, but I understand that there is already an inquiry in the Assembly relating to this matter. Is that right? Anyway, I do have concerns about the Williamsdale Quarry.

**Mr Smyth:** There are no formal terms of reference.

**MRS CROSS:** Mr Speaker, I am not sure whether there is sensitivity here on issues we are not supposed to be discussing because of what the Public Accounts Committee is doing.

**MR SPEAKER:** I do not think you are on the Public Accounts Committee.

**MRS CROSS:** No, I am not.

**MR SPEAKER:** I think the sensitivity that Ms Tucker referred to was the use of evidence taken by the committee and committee proceedings which have not been made public. If you are not a member of the committee and if you not referring to any of that evidence, which you would not be able to do because it is confidential, I think it is open to you to proceed.

**MRS CROSS:** The only concern that I have at this stage about what Mr Smyth raised is about the sale of the quarry and the amount that was received for the sale of the quarry. I do not understand why the sale was confidential, why there has been a cap on the release of information on that and, indeed, why people have been so worried about this information coming out, to the point where attempts were made to stop this matter coming into the Assembly at all for discussion.

If it is not a sensitive issue and there is nothing to hide, why don't we just be transparent and open about it? For this purpose, I think that it has piqued my curiosity even more

than the representations that I have had in the last few months on this very issue. So I will at this stage support Mr Smyth's motion. I await eagerly the response from the government on why this issue has become such a confidential issue and why it has not been more transparent on the sale of the Williamsdale Quarry.

Motion (by **Ms Dundas**) put:

That the debate be adjourned.

The Assembly voted—

Ayes 7

Noes 6

Mr Cornwell  
Mrs Cross  
Ms Dundas  
Mrs Dunne

Mr Smyth  
Mr Stefaniak  
Ms Tucker

Mr Berry  
Mr Corbell  
Ms MacDonald  
Mr Quinlan

Mr Stanhope  
Mr Wood

Question so resolved in the affirmative.

*Ordered that the resumption of the debate be made an order of the day for the next sitting.*

**Mr Quinlan:** I take a point of order. Was an absolute majority required for that motion?

**MR SPEAKER:** No.

*At 5.00 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and was negatived.*

## **Protecting biodiversity in new developments**

**MS TUCKER (5.01):** I move:

That this Assembly:

- (1) notes:
  - (a) the importance of protecting biodiversity, threatened species and reducing the impact of greenfield development on important remnant woodland in the A.C.T; and
  - (b) the options paper 'Options for the Protection of Sensitive Fauna in Mulligan's Flat and Gooroo Nature Reserve from the Impacts of Domestic Cats', released by the Conservation Council of the South East Region and Canberra in November 2003.
- (2) calls on the Government to:
  - (a) commit to making the new suburbs at Forde and Bonner cat free;
  - (b) ensure that information about their commitment to this and/or any other restrictions be made well known in advertising the sale of blocks, at the auction, and where otherwise appropriate; and
  - (c) report to this Assembly on progress at the next sitting.

3 March 2004

My motion today calls on the government to prohibit cat ownership in the new suburbs of Forde and Bonner. While this is a first in the ACT, it is not a new concept. Yarrowlunla Shire and Tallaganda Shire, for instance, have established a ban on cats in newly created residential areas in a couple of cases where residential development is close to environmentally sensitive areas.

Forde and Bonner both adjoin the Mulligans Flat Nature Reserve and the Gooroo reserve. These two are among the best preserved areas of woodland complex in the region. The woodland complex includes open forest, grassy woodland and native grasslands. It is an important habitat and is home to small populations of two vulnerable birds—the hooded robin and the brown treecreeper—and others with declining populations.

Because the two new suburbs will be so close to the nature reserve, it is important that the impact of roaming cats is minimised as far as possible. Because these suburbs are new, there is an opportunity to use the most straightforward means of protection, which is to ban cat ownership. As the blocks were scheduled for auction in March or April, any decision about cat protection measures should have been made now. There is now different information on that; we are being told that the land is not going to be auctioned so soon.

But I still want to see this debate finished today because it is an important issue that has been delayed for too long, and the community needs to know what this Assembly thinks about it in as much time as possible before the auction occurs. The types of restriction that will be put in place in the new suburbs need to be advertised as soon as possible, even if there is a delay in the auction—as one minister's office is saying, although the other minister's office does not seem to be sure.

ACTPLA have advertised an information night for this week about the new suburbs, so that is definitely occurring. The agenda for that meeting includes the relationship with adjacent land uses, so it is very important to have a definite position from the government before they have this public meeting.

I do not think that anyone here should need to be convinced about the importance of conserving the remaining grassy woodlands in the ACT region, although, sadly, this does not seem to have informed decisions about land developments, Forde and Bonner included. The Greens do not believe that these suburbs should have gone ahead, precisely because they are so close to the reserve.

Cats are one impact; others include people walking through, dogs being walked in the area, invasive weeds and fire protection activities. In addition to being very popular pets or companion animals, cats are very effective predators. The diet of roaming domestic cats has been studied. While within suburbs they prey mostly on other introduced animals, such as rats and house mice, but when roaming they consume a range of native species.

Cats in suburbs near nature reserves will have a significant effect on native animals, particularly where there are small and vulnerable populations. It is important to note that the two vulnerable bird species are largely ground feeders and are known to build their

nests close to the ground. We, and future residents, need to be very mindful of the impact that cats could have on the Gooroo/Mulligans Flat woodland complex.

My motion notes an options paper released last November entitled *Options for the protection of sensitive fauna in Mulligans Flat and Gooroo nature reserves from the impact of domestic cats*. This options paper was developed by a working group convened by the Conservation Council of the South East Region and Canberra and included representatives from the Canberra Ornithologists Group, Friends of Grasslands, the National Parks Association, Environment ACT's Wildlife Research and Monitoring unit and the ACT Planning and Land Authority.

Gooroo and Mulligans Flat are an important habitat. I quote from the joint paper:

The current decline in woodland bird species is of particular concern in the Canberra region, where six threatened bird species are facing substantial survival pressures as a result of land clearing, pollution, overgrazing, urban development, and the recent fires and drought, in addition to potential predation and disease dispersal by feral and domestic animals.

The Mulligans Flat/Gooroo complex contains outstanding ecological and conservation values, and a great diversity of birds, mammals and reptiles, including small populations of two resident birds listed as threatened under ACT legislation, the Hooded Robin and the Brown Treecreeper. These threatened species, along with a number of other woodland birds including the Scarlet Robin, are known to be in decline in the Mulligans Flat/Gooroo complex as well as in other woodlands around Canberra, both in reserve and on leasehold.

A related matter that will come up, and should be addressed before the auction, is the conflict between a large fire buffer between the reserve and houses and the reserve's biodiversity and wildlife functions. We cannot let this become a major incursion into the reserve simply because the blocks were sold before a resolution had been found. The Minister for Environment has indicated to me that he is concerned about this problem and will be seeking to ensure that no buffer encroaches on the reserve. I trust that these factors will also be paramount in any advertising and discussion about land use from now on. I commend this motion to the Assembly.

**MRS CROSS (5.07):** I rise to support Ms Tucker's motion in its entirety. It is a very good motion, and it is long overdue. I will not be supporting the amendments Mrs Dunne has put forward, because I do not believe this needs investigating any further. We have enough information to confirm that this is a problem, and we need to ask the Assembly to commit to it but not investigate it further. It has been done to death. There is a clear need to control cats, Mr Deputy Speaker, in the new suburbs of Forde and Bonner in order to protect threatened wildlife. I might just go on holiday, Mr Deputy Speaker.

**MR DEPUTY SPEAKER:** I am listening intently, Mrs Cross.

**MRS CROSS:** There is no quorum. There is a clear need to control cats in the new suburbs of Forde and Bonner—

**MR DEPUTY SPEAKER:** If you want to draw attention to it, you can. No? Thank you.

**MRS CROSS:** in order to protect threatened wildlife in nearby nature reserves. Cats can be very efficient hunters and, given the opportunity, severely damage and destroy sensitive native fauna. A number of control options have been aired for consideration. To save vulnerable wildlife we must control predatory cats and we should go about it seriously; half measures in such endeavours are usually half successful. I would therefore like to see the Assembly opt for the strictest measure: to make the Forde and Bonner suburbs cat free. Only then will we be able to say that we did our best to maintain a diverse population of nature's creatures to help delight others in the future. I commend Ms Tucker on her motion and will be supporting it accordingly.

**MRS DUNNE (5.09):** I am rising to address Ms Tucker's motion. I thank her for bringing it on, because it is an important issue, but I do so with some ambivalence. The ambivalence is manifest in the amendments, which are circulated in my name and which I shall move later on.

Cats are interesting: you either love them or you hate them. We used to own a cat. He was big, grey and furry. He was great but, like all cats—they are not like dogs; you own dogs but cats own you—there was very limited scope for control. We eventually had to let our cat go. He went to a nice home because we discovered that our children were allergic to all the major pet groups, which has been a great blessing ever since.

But for about 25 per cent of the population cats are very important companion animals, and they are especially important for the growing number of elderly in our community. The issue of cats in the community is a very sensitive one. If you are out doorknocking, you hear people say, "What are we going to about the little birds? The cats wander around the place. People should be more responsible with their cats." Most people are responsible with their cats, but there are still a lot of cats that wander. Belling a cat is not sufficient: a belled cat can still catch a bird, lizard or anything else.

There seems to be agreement about what we want to achieve here. There seems to be a general consensus that we want to protect fauna in a very important nature reserve. This is about means, and there is a view about that there is more than one way—no, I can't say that. I can't say there's more than one way to skin a cat. It would be too crass.

Cats, both feral and domestic, have a significant impact on wildlife in areas like Mulligans Flat and the Gooroo reserve. In that area, a number of vulnerable and endangered species are low storey and ground dwelling, like the hooded robin and the brown tree creeper, as well as a number of reptiles, including shinglebacks. My children are not allergic to shinglebacks, so we should be nice to them.

This is a debate about means. There are a number of techniques that we could use: cat-free zones, curfews and large-scale cat enclosures. Given the topography, there is no point excluding cats from Forde and Bonner and then allowing them in Throsby. We have to be quite clear that, if we are talking about some sort of measure to limit cats in Forde and Bonner, we have to be prepared to do it in Throsby. Forde and Bonner are on the western side of Mulligans Flat, and Throsby is a pincer on the eastern side of Mulligans Flat. We are making decisions about not just the current land release but land release for many years to come.

Proponents make the point that this is not a complete solution; it is about relieving one of the stresses on endangered birds in a very high quality nature reserve. That raises the question of the nature of the management plan for the Mulligans Flat reserve. When Environment ACT takes over the Gooroo reserve, I hope that we will see a management plan that addresses many of the other issues that put stress on endangered species in this area. We can take away the domestic cats, but there will still be feral cats, there will still be foxes and there will still be people who come in and collect rocks for landscaping and fallen timber for their fireplaces. That cuts down on the places where birds and reptiles can rest and roost safely.

The apparent scope of this motion should be turned to advantage. If you limit the market to non-cat owners, as Ms Tucker would propose to do with this motion, you have to make sure that the area is marketed in such a way that it does not degrade the price of the land. Land is a very highly sought after commodity in the ACT at the moment, so it should not be beyond the wit of people in the ACT—in ACTPLA and in the Land Development Agency—to market a cat-free zone in a way that coincides with people's desire for environmentally sustainable living environments. There could be particular effort in solar orientation, energy efficiency ratings and sensitive waste water design as part of an environmental village approach to selling land in Forde and Bonner to enhance a future cat-free zone.

I have not had much time to have briefings from the government, but I did receive a very comprehensive one this morning from the wildlife research service. My concern about the motion is that it asks the Assembly to endorse a policy position, which may be a very sound public policy position, put forward by a non-government organisation—the Conservation Council of the South East Region and Canberra—without the work being done by the government. There has been no investigation of broad scale by the government, and there has been no consultation by the government as to how acceptable this would be in the community.

I appreciate the sense of urgency of Ms Tucker and the Greens to have this passed because it is possible that this land will be auctioned soon. I would also like us to step back and take a breath, which is why I have proposed the amendments that are circulated. I ask leave to move those now, Mr Deputy Speaker.

Leave granted.

**MRS DUNNE:** I move the following revised amendments circulated in my name:

- (1) Sub-paragraph (2) (a), omit “Commit to”, substitute “Investigate”.
- (2) Sub-paragraphs (2) (b) and (c), omit the sub-paragraphs, substitute:  
“(2) (b) given that there is increasing pressure for cat-free zones in all suburbs abutting nature reserves, conduct public consultation about the impact of cat-free zones; and  
(c) report back to this Assembly by the last sitting day of June 2004.”.

It says “revised” in my scrawl rather than nicely typed. I move these amendments because of the status of the policy that we are being asked to implement here today. It is

3 March 2004

a policy put forward by a non-government organisation. I know there was some government involvement, but that seems to have been quite small.

There has been some consultation—it has been open for public comment—but less than a dozen people have commented on it. There have been a couple of articles in the *Canberra Times* and some talkback radio, but that is not enough consultation on something that is going to have a big impact on people's lives and housing choices.

I am concerned that the amendment put forward by the minister would have an even bigger impact on people's housing choices because it imposes quite a hefty cost as well as problems with compliance. In any measure to limit cats in this area there will be a huge issue of compliance—both for the planning authority, making sure that the covenants on the land are being complied with, and for rangers, going around to pick up cats that might be straying in the area. There would be large costs in terms of resources but, if we went down the cat enclosure path proposed by the government, we would be meeting even larger costs with possibly fewer positive outcomes.

I recommend to members that the government investigate this. We have a fair idea of what the impact is on birds, but at this stage the jury is out on whether a cat-free zone will be effective. If at the end of the day we realise the jury is still out, we could adopt the precautionary principle and go down that path, but we actually need to know what the research says about whether this will work. (*Extension of time granted.*)

Doubt has been cast in my mind because the Animal Welfare Advisory Committee has written to all members in the last couple of days expressing its concerns about the effectiveness of cat-free zones. I would like to see the government investigate this, so that a decision that might be made in the future has some underpinning that we can be confident in.

At the same time as investigating that, we should be out there in the community saying that this is what we are thinking and asking what the community thinks. As Ms Tucker has pointed out, there is a community information night tomorrow about the structure plan for Bonner. No matter what we decide here today, when people go to the community meeting about the structure plan for Bonner tomorrow, it needs to be stated quite clearly that the government and the Assembly are looking at some restriction on cat ownership, whether that be cat enclosures or cat-free zones, so that people are warned as soon as possible.

I understand that Ms Tucker is concerned that the land in Forde will be auctioned before this decision is made. Whatever we do, we need to seek an undertaking from the government that the land is not auctioned until this matter is resolved. We should not do it in haste just because the land might be auctioned in a month's time. Although it is scheduled to be sold this year, no date has been set aside for its auction. On the basis of this, it is time that we took a deep breath and did some more consultation with the community because 10 or a dozen submissions do not make consultation.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.21): The government is happy to participate in this debate. A discussion paper prepared by the Conservation Council, but with input, support and assistance from Environment ACT, was distributed and consulted. That paper went

to the possibility of ensuring that cats did not deplete in Mulligans Flat Nature Reserve and in the new reserve of Gooroo. As we sell the land of Forde and Bonner and, in the future, Throsby, we should consider our attitude and response to cats.

Ms Tucker has moved that there be a ban of cats in Forde and Bonner. I have circulated a motion seeking to amend that so that cats are not banned but permanently confined to premises, either indoor or outdoors—and, if outdoors, in cat runs. Mrs Dunne has moved an amendment that seeks to undertake further consultation on a cat-free zone. I take the point that there are a number of options that we might have considered. A few other options have been circulated, provided by Environment ACT in its advice to me.

It may be that this process has been somewhat truncated and is a little short-circuited. That is the point that Mrs Dunne makes, and I think it is a position well put. Nevertheless, we have an imperative to make a decision before the land is proposed for sale. Decisions have to be made, and people who would purchase in Forde and Bonner need to know that certain circumstances will apply to that land, and it is important that the decision be made before the land is offered. That is at the heart of some of the haste that has been part and parcel of this.

It needs to be acknowledged, in the context of the proposal—and it is a proposal that might apply anywhere in Canberra where there is an interface between suburbs and areas of significant ecological value—that we have a significant investment not only in the ecological value of Mulligans Flat and Gooroo but also—and it is a bit crass to look at these things in these terms—in foregone revenue in not developing urban capable land such as Mulligans Flat and the new reserve at Gooroo.

I have received some estimates that the value foregone, the opportunity cost of declaring both Mulligans and Gooroo, is \$500 to \$600 million dollars. That is an investment that we have made in foregone revenue. At the heart of the debate, we need to remember that we took Mulligans out of the land release program some years ago—the decision was made at the time by Minister for Planning, Bill Wood, to de Mulligans Flat. Similarly, last year we removed significant other urban capable land at Gooroo to the value, in a combined sense of the two reserves, of at least half a billion dollars.

At the heart of the motion is that we have just foregone half a billion dollars in revenue to acknowledge the ecological value, strength and significance of Mulligans and Gooroo. So what are we going to do to protect our half billion-dollar investment in those reserves? First we de them as reserves to ensure that those ecological values are protected and maintained; then we develop close to the edge, allowing the introduction of cats—major predators—and, having invested the half million dollars, do nothing to protect the investment in a real sense.

That is the argument that is being made here today, and it has been made through the discussion paper. It is a very strong argument to make, and it is an argument that I accept. It is the position of the Conservation Council. It is a position that Environment ACT, the Canberra Ornithologists Group and the Friends of Grasslands all endorse. It is good that we have had this public discussion.

I do not have any disagreement with the point that Mrs Dunne makes about the level of consultation that was achieved. It leaves me with some disquiet that there was not the

3 March 2004

level of consultation that there might have been if the issue had been pursued by government. That perhaps is a weakness, but time is of the essence. The land is on our forward land release program, and it will be sold. We could say, "Let's delay the release whilst we consult further on a cat policy," but we are constrained by the timetable.

The purpose of the discussion paper was to examine the impact on nature reserves of domestic cats, particularly in the planning for those new suburbs, and it identified the developments of Forde and Bonner as particularly sensitive. In the last year, we introduced an additional 700 hectares of high quality yellow box/red gum grassy woodland at Gooroo into the nature reserve system. In terms of foregone revenue, we value that reserve at about \$300 million.

In the last budget, we committed \$1.6 million to manage the new reserves that were announced last year. This is a significant commitment to the environment. We have just completed, and will be releasing in the next couple of weeks, the final draft of the lowland woodland conservation strategy, which deals with our commitment to the conservation of those areas. We are making a major commitment to the protection and conservation of those woodlands at Mulligans and Gooroo.

I am advised that in Mulligans Flat alone 150 different species of bird have been recorded, and many of them use Mulligans and Gooroo as a breeding ground. The reserves provide a very important habitat for the resident bird species listed as vulnerable under ACT threatened species legislation: the hooded robin, the brown treecreeper, the varied sittella and the white-winged triller.

The Canberra Ornithologists Group have provided significant input into the discussion paper, which is at the heart of the issue we are debating today, and have documented the decline in these four species since surveys began in 1995. Small numbers of both the hooded robin and the brown treecreeper are still in the reserves, and we are all concerned that these vulnerable species continue to have those suitable conditions. Those two species are ground feeders and are known to build their nests very close to the ground, so they are particularly vulnerable to depredation by cats.

A comprehensive study of domestic cat behaviour undertaken in Canberra in 1998 by D G Barratt showed that approximately 75 per cent of all domestic cats in Canberra hunt. It also showed that cats are opportunistic when hunting. In other words, they do not discriminate when choosing their prey; they take whatever is available. The study concluded that the proportion of native species taken by cats would be higher in natural environments where native species mostly occur. Estimates from that study in 1998 indicate that cats depredate approximately 480,000 animals in the Canberra urban environment every year, including up to 27 per cent of the standing crop of native birds in any one year.

In addition to some of the vulnerable bird species in these areas, the reserve at Mulligans also contains the very rare black form of the shingleback, echidna, eight different frog species, 11 other mammal species and 14 other reptile species. We all accept absolutely the need to protect those. In relation to this discussion paper, in their submission to the government, the Animal Welfare Advisory Committee favoured requiring cat owners to have appropriately designed cat enclosures to restrict cat activity to their own property. That is the substance of the motion for my amendment.

There were different views within the Animal Welfare Advisory Committee as to whether curfews would significantly reduce the risk, given the numerous targets, of depredation at any time of the night or day. The Flora and Fauna Committee endorsed the principle that it is inappropriate to have free-roaming cats in, or adjacent to, nature conservation areas. I believe that the options paper is a fair and balanced look at the issues and potential solutions, and I think the Flora and Fauna Committee's assessment of the options paper is a good summation. The government has been giving serious consideration to the paper, and we have been seeking to study the proposals in order to provide appropriate advice.

A range of views on the subject has been expressed in the debate. (*Extension of time granted.*) Environment ACT has acknowledged to me that there is a lack of specific scientific certainty about the activities of cats and about which of these options would be most appropriate. The precautionary principle suggests that we should not ignore what we know is likely to be occurring. We know in our hearts that it is definitely occurring; it is simply that we do not have the definitive and scientific advice we might like. The studies required to produce that definitive advice would be expensive and long term. They could not possibly be achieved before the land scheduled for sale is sold.

There is a strong likelihood that domestic cats would impact on the native fauna of the nature reserve as a result of suburban development and the urban-reserve interface. There is no doubt that the precautionary principle is a valid justification for taking action with regard to Forde and Bonner.

We acknowledge that cats provide significant companionship to some people within our community. We should not deny that, and we need to have some regard for the value of cats for some people. That is one of the reasons the government is not inclined to support a full ban on cats in these suburbs, acknowledging that it is nevertheless a difficult issue. We need to be mindful of the benefits that pets provide, and it is appropriate that we look at some of the other options, acknowledging that the Animal Welfare Advisory Committee do not support a cat ban and that the RSPCA have also advised that they do not support a cat ban, although they would certainly support the restraining of cats.

Cat curfews were one of the other options. The value of a cat curfew is problematic, in that one does not know what time of day a domestic cat is more likely to take native fauna. Do they take more animals during the day than in the night? This is evidence we do not have. Another of the options was building a cat-proof fence around the nature reserve. It is an option of high visibility and questionable value. The fence would almost certainly have to be electrified; there are significant costs and there are public safety implications. It is an option that will require close investigation.

The government thinks that there are significant advantages in having a containment policy. It affords a good level of protection not only to the native fauna in the area but also to the cats themselves. The position was put to the government, by both the Animal Welfare Advisory Committee and the RSPCA, that the cats themselves would be advantaged as a result of being contained. It is found that they live much longer, and their quality of life is not impeded. If the pet's life is preserved, that will benefit the quality of the life of their owners through companionship. Accordingly, the government's amendment would require all cats owned by residents in the new suburbs

3 March 2004

of Forde and Bonner to be contained within the boundary of the home property at all times, either indoors or in a constructed cat run.

The policy of containment of cats could be implemented largely through existing legislation under the Domestic Animals Act 2000. However, an amendment to this act to include infringement notice of penalties will be necessary to enable the policy to be enforced. Monitoring of compliance will be essential to ensure the protection of wildlife and will need to be jointly managed by Canberra Urban Parks and Places, Domestic Animal Services and Environment ACT.

The government is committed to this policy of confinement of cats to premises for the protection of our flora and fauna in significant nature conservation areas, such as Mulligans Flat and Gooroo. We think the best approach to adopt today is confinement to premises. I acknowledge that in some senses a complete ban may have a more dramatic impact, but we do not know that absolutely. It is information we do not have on the basis of evidence. I am sorry that I did not have a greater opportunity to discuss these issues with Mrs Dunne. I have some sympathy for what she is seeking to achieve, but the government will proceed with its proposed amendment today, which I now foreshadow.

**MS DUNDAS (5.36):** Mr Deputy Speaker, I was intending to support the motion as moved by Ms Tucker. I am supportive of the intent of what she is trying to do today, but I would then say that a requirement to keep cats in enclosures in Forde and Bonner would be better than no restrictions on cat ownership at all. If that is necessary, I am happy to support the amendment put forward by the Chief Minister. Cat-free areas are not a new proposal. They have been implemented in a number of subdivisions in the Yarrowlunla and Tallaganda shires, on Magnetic Island in Queensland and in the area around Byron Bay in New South Wales.

It needs to be made clear that this motion is not to seek a ban on cat ownership across Canberra. The objective is to protect sensitive fauna in the Mulligans Flat Nature Reserve and the Gooroo woodland complex against the impact of free-running domestic cats. Both Australian and overseas studies have shown that free-running domestic cats prey on a wide range of native fauna and can significantly suppress populations of birds, mammals and reptiles. The effect on species with small populations, such as threatened fauna, can be especially severe. We have threatened bird species in the Mulligans Flat and Gooroo woodland areas. Failing to take action to protect these vulnerable species would be a dereliction of our duty to future generations of Canberrans and to the ecology of our area.

I note the view of the government's Animal Welfare Advisory Committee that the impact of domestic cats on wildlife has been overstated. I disagree with this proposition. From personal experience I have seen that cats do have a serious impact on native bird populations and other small native species. I do not think we can take the argument that cats are okay in terms of their impact on wildlife. They do have a serious impact, and we need to have a way of limiting that impact to allow native flora and fauna to prosper.

Cats generally have the greatest impact on native fauna where urban areas adjoin nature reserves because cats tend to have a fairly limited home range. These areas are also likely to be the subject of greater environmental stress due to various factors, including higher levels of human visitation. Extinction is all too often the death of a thousand cuts,

and we can do something about pressure from depredation to support our native birds, mammals and reptiles.

It is critical that cat management measures are in place prior to the sale of land in the area adjoining Mulligans Flat reserve and the Gooroo woodland to ensure that adequate protection is afforded not only to native wildlife but also to people buying into the area, in that they are informed of their obligations and are well aware of what is going on.

The decline in woodland bird species is of particular concern in the Canberra region, where six threatened bird species are facing substantial survival pressures as a result of land clearing, pollution, overgrazing, urban development and the recent fires and drought, in addition to potential depredation and disease dispersal by feral and domestic animals. Minimising domestic cat incursion into nature reserves is integral to a management strategy aimed at stemming the continued decline of threatened bird populations and other sensitive fauna.

Cat-free areas do not affect cat welfare or pose an unfair restriction on cat owners—being unable to live in two of Canberra's suburbs—when the alternative is a serious threat to biodiversity. That is why I am happy to support this motion. I think the amendment put forward by Mr Stanhope does provide some form of halfway measure, where people with cats are still able to live in Forde and Bonner, but those cats must be permanently confined to either the house or cat runs—enclosures. That may also deal with the situation.

I am interested in hearing where debate has progressed around this Assembly in relation to which of these amendments will be best, but it is important to note the timeframes that we are working to. The timeframe for the sale of this land is in the government's plan for this financial year, and it would be unfair to impose restrictions once the sale of the land has gone through. So I support having this debate today, and I hope we can find a satisfactory resolution.

**MR SMYTH** (Leader of the opposition) (5.41): I believe that all members have received a letter from the Animal Welfare Advisory Committee, which says that they are not convinced. This is the body that is charged with advising the government on the welfare of animals in the ACT. It says:

The Conservation Council of the South East Region and Canberra has been vocal in expressing their views that these areas should be cat free. Experience in other areas of the country—eg, Magnetic Island in north Queensland and Sherbrooke, Victoria, have shown that cats are not as responsible for wildlife loss as has been thought, and that cat control was not as necessary as had been considered. Public education targeted at making cat owners more responsible has been effective in reducing the impact of cats.

The problem with putting these cat-free zones in place is that the depredations in these areas are already occurring. It is quite well known that cats are willing to travel many kilometres at night to an area where they know there is a source of fresh food—in this case, small marsupials and native bird life. The problem is that we are moving too quickly on an issue that has been brought up by the Conservation Council and brought to this place by Ms Tucker with—I think I heard the Chief Minister say—deficient consultation with the public, or at least less than adequate consultation.

3 March 2004

I am not a big cat lover and have recently inherited a cat through marriage, which is very interesting. Cats have an impact on the environment, and we need to come up with solutions, but I wonder whether cat-free zones in the suburbs are the answer. How do you work out in which part of a suburb a cat-free ban would be most effective? Indeed, some suburbs on either side of these suburbs are closer than parts of Forde and Bonner.

Declaring two suburbs to be cat free is illogical when the exclusion zone needs to be 500 metres from the edge of a reserve and all of the six new suburbs in the northern part of Gungahlin border on to reserves. The question is: are we setting a precedent for making all new suburbs that border on to a reserve cat free? You can then ask the equity question: if my new suburb borders a reserve, what about the old suburbs that border reserves? Suburbs that have cats also have problems. I guess you can say, "Precautionary principle. Let's not make the problem worse than it is at the moment." But if we are going to have a debate about cats, let's have the fair dinkum debate instead of a Clayton's debate where we ban cats in two suburbs.

The suburb on the other side of Mulligans Flat is Throsby; Throsby will border on Mulligans Flat. Why doesn't this mention Throsby? The answer may be that Throsby is not on the agenda—

**Ms Tucker:** We've worked it out, and we got took.

**MR SMYTH:** Ms Tucker, so rude! There goes democracy out the window!

**Ms Tucker:** I'm offering you a choice!

**MR SMYTH:** Ms Tucker's out of turn with it because they have worked it out. I can stop talking. I am glad you've worked it out, Ms Tucker. I look forward to the wisdom that the Assembly is about to be given through consultation. But it is an important issue. The cat population of the country, not just of the ACT, must have some impact on bird life and marsupial life. We know that.

As an aside—and perhaps I will be accused of being flippant by those who are in favour of the Human Rights Bill—last night we passed clause 13, which is freedom of movement. Mr Deputy Speaker, I know you are an ardent fan of human rights. Freedom of movement says that everyone has the right to move freely within the ACT and to enter and leave it and the freedom to choose his or her residence in the ACT—

**Ms Dundas:** A cat is not a human.

**MR SMYTH:** No, but an owner of a cat can be affected by human rights. I wonder whether the first case arising from the new Human Rights Act 2003 will be from a cat owner demanding to live in Bonner or Forde—another question for members to consider. Given that we have the wisdom that the issue has been solved, I will take my chair and await the wisdom of the Assembly as to the outcome of cats in ACT suburbs.

**MR CORBELL** (Minister for Health and Minister for Planning) (5.46): The issue of the impact of cats in adjacent nature reserve areas is important, and the government wants to make sure that we get the approach right. The discussion paper put forward by the

Conservation Council was a useful prompt for this debate, but the issue is perhaps more complex than has been presented.

Over the past month or so I have looked at the different views about the impact of domestic cats on a nature reserve setting adjacent to residential areas. I have looked at the work done in South Australia and at the work done by Professor Mike Braysher, who is a member of the Planning and Land Council and an expert on the impact of introduced species on native ecosystems, plants and animals. The conclusion Professor Braysher has reached is that cats are simply one contributor to the impact of human settlement on adjacent nature reserve areas. He lists in his work as equally damaging, horses, rubbish, degradation through development activity and a whole range of other human activities that can also potentially have an impact.

**Ms Tucker:** And suburbs?

**MR CORBELL:** Yes, suburbs can have an impact on the nature conservation area.

In some respects I have some hesitancy about simply saying that a ban on cats will address this issue. I have had discussions with the Conservation Council, and they said to me, "Look carefully at what we put together," and I have. I said to them that I do not disagree with the notion that cats have an impact; I do not doubt that they do. My concern is that the assertion that a ban will address that impact is not entirely tested.

A ban might sound like a wonderful thing to do: they are banned and therefore they are no longer a problem. But what are the practicalities of a ban? How effectively can a ban be enforced, and how effectively can it be policed? I am not convinced that it can be effectively enforced or policed. The action is as much in education as it is in a potential legislative requirement. That is not to say I rule it out; I am just not convinced that it can be done practically. From my perspective, further consideration needs to take place, and the approach the Chief Minister outlined is a reasonable way forward.

For the information of members, the release of Forde is identified on the land release program for this financial year. Originally, it was proposed to be a release in two parts: one part as a government land development project and one part as an en globo sale direct to the market for private land development activity. The Land Development Agency is currently reconsidering the vehicle for release and what approach should be taken in the release of that site.

There is sufficient time over the coming couple of months for the issue to be further worked through before release of the land occurs. Even if it is the government releasing the land, the land will not be released and sold directly to the market to home buyers or builders without an understanding of potential cat management in those estates.

I am confident that the timeframe is there and that the Chief Minister's proposal is a sensible way forward. It is a complex issue, and I am not convinced that cats on their own pose any greater danger than any other action or being that has an impact on nature reserves. Secondly, I still have reservations about the capacity of a ban to work. The Chief Minister's amendment provides a good way forward.

**MRS DUNNE (5.52):** Mr Speaker, I seek leave to speak again.

Leave granted.

**MRS DUNNE:** I thank members. It is regrettable that we have come to a situation where we are as an Assembly throwing out consultation. We have just had the Minister for Planning say that it is not crucial or so time critical that we cannot have a think about it, and we have heard the Chief Minister say that he has reservations about the appropriateness of the public consultation. What we are doing is saying, "Before we take this step, let's have some public consultation." We do not have to hurry this today. The Minister for Planning has just said that. The problem is that we did not caucus with each other about this before we came in here to debate it. The Chief Minister had no idea what the Liberal Party's views were on this because he did not pick up the phone and ask. I suppose it was remiss of me, too, in that I did not pick up the phone and ask him directly. But I did ask his office and, as at half past 10 this morning, I had no idea what the government were going to do on this. We were still working through our views, but we could have worked through our views collectively and perhaps come up with a better policy outcome than what appears to be going to happen here today.

The opposition's amendment seeks to have some further investigation. There is no doubt that cats have an impact on bird life in places like Mulligans Flat. But Mr Corbell is also correct when he says that they are not the only thing that has an impact; there are issues in relation to invasive weeds and a whole range of other things that need to be addressed. There needs to be a better plan of management for Mulligans Flat. We do not currently bait for foxes and things like that within Mulligans Flat. We need to look at those sorts of issues, instead of rushing through this because Ms Tucker wants an outcome.

We have just heard that there is nothing time critical in this that could not wait until next week, the end of March, or probably until the end of May, to allow some consultation so that the community know what is being done. We are having a meeting tomorrow about the structure plan for Bonner. The community need to know not that we have made a decision necessarily but that we are thinking about it. We could have some input from the community as to whether one course of action or another is acceptable.

We are actually rushing this. We are throwing out consultation. The people here who are always saying that we do not do enough consultation are suddenly saying, "Well, there is enough consultation." Is it because we have got the answer that we wanted? Really, I do not think that is how you go about consultation. You get consultation to find out what people are thinking and where people are going. If we did all the public consultation and the public said, "No, no, no, we don't want a cat-free zone," but as legislators we thought it was important that we did, we at least know where the community stand and what we need to do to take the community with us. But at the moment we do not know what the community think. We know what 10 people think, and a few people who called call-back radio. We do not know what the community think. We are making decisions here in a vacuum. We all have a feeling. We know that cats have an impact on bird life, but we do not know whether cat enclosures or cat exclusion zones will have a real impact on cats, and whether that will translate into improving the life expectancy of the birds in Mulligans Flat.

We need to work through these issues a bit and have a much better idea. If in the end we come back here and say, "We do not know," we probably should adopt the precautionary

principle and have an exclusion zone, because if you have cat enclosures and then find that they are not working you cannot then easily implement exclusion zones. If you have exclusion zones and then eventually decide that they are not necessary and that cat enclosures will do, you can go that way, but it is very hard to go the other way, because people are already there and might already have their cats. Then you would be making an imposition upon them.

This is policy making on the run and we have got into a flap about this. It seems that the only outcome that we want is a result and that it does not matter what the result is. I beg members to reconsider this so that in the end, whether it is today, next week or in May, we have a public policy outcome that works for the people of the ACT. I commend my amendments to the house.

Question put:

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

The Assembly voted—

Ayes 4

Mr Cornwell  
Mrs Dunne  
Mr Smyth  
Mr Stefaniak

Noes 9

Mr Berry  
Mr Corbell  
Mrs Cross  
Ms Dundas  
Ms MacDonald  
Mr Quinlan  
Mr Stanhope  
Ms Tucker  
Mr Wood

Question so resolved in the negative.

Amendments negatived.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (6.02): I move:

“(2) (a) ensure that cats are permanently confined to premises, either indoors, or if outdoors, in cat runs (enclosures) or by appropriate fencing, in the new suburbs of Forde and Bonner;”.

I have spoken to the issue and I feel no need to speak further.

**MS TUCKER** (6.02): As an amendment to Mr Stanhope's amendment, I move:

Omit the words “or by appropriate fencing”.

Just to explain, I seek to remove the words “or by appropriate fencing” from Mr Stanhope's amendment. I think that that would be really quite difficult. Acceptable fencing or appropriate fencing may be referring to something like metal bond fencing, which would be totally useless and just would not work in these suburbs. Issues would include gates left open, trees in backyards et cetera. If it is about courtyards, we would face the same issues with trellis and other objects for cats to climb up on. It is just too big a risk. The whole point is that these suburbs have been put right next to this important

habitat and there must be limitations to protect it. There are questions about how appropriate fencing would be determined. Would there be trained inspectors or something? I understand that people want to have an easy time with their cats, but this is just too big a risk in this particular area. It is important that we address the problem up front rather than step by step as time goes by. While cat enclosures are not a particularly attractive option, they might prove effective. "Appropriate fencing" is not an effective option.

**MR SMYTH** (Leader of the Opposition) (6.04): I just want to raise some questions about how we enforce this. Have we really thought about what we are doing here? What is the fine for having an illegal cat in the suburbs of Forde and Bonner? I note that in the AWAC submission they say that some of these things like a cat-free zone will put enormous responsibilities onto Domestic Animal Services, Environment ACT. How do you capture a rogue cat? I am sure it is quite easy. I know, from having been urban services minister, many of the ladies and gentlemen up at Domestic Animal Services. If somebody reports a rogue cat, how do we catch it? How will we enforce it? Will we be locking up grannies that have a cat with them? What do you do when somebody gives your two-year-old daughter a cat for Christmas or for her birthday: "Oh, no, take the cat back; we cannot have cats in our suburb"?

We are not opposed to the concept of trying to make the reserves cat free. But, as Mr Corbell said, the problem involves not just cats. Cats, dogs, other animals and other things impact on these reserves. Are we going to lash out and make a whole area cat free or, in the case of Mr Stanhope's amendment, require that cats be put in an enclosure? Who is going to monitor the enclosures? Is it part of the planning process? Is it an approved structure? Is it an unapproved structure? What schedule will it go into? Where do the cat police come from? Who is going to lock up granny? And what if somebody is reported as having an illegal cat and when the inspector turns up they say, "No, it's not my cat." Will the inspectors have the right to enter properties and search under the sink for the cat food? Will they search the laundry for the tub of kitty litter? I just think the way we are going about this is entirely wrong. I cannot forget how Ms Tucker is always so keen on process, yet she has said, "That does not matter. We've had enough consultation"—consultation described as inadequate by the Chief Minister—"let's just do it because I'm in favour of it." That is not good process.

The way to make this work, if we really want it to work, is to bring the community in with the decision that we reach. This will be interesting because, as I said earlier, parts of the suburbs on either side of Forde and Bonner will be closer to Mulligans Flat than the furthest reach of Forde or Bonner, away from the reserves. So somebody 500, 600, 700, 800 metres—perhaps even a kilometre—away will have to build a cat enclosure, but somebody who will border the reserve right next to Bonner or Forde will not. There is no logic to and no equity in this.

We have heard from the minister responsible for planning that there is no urgency and that the release of the land is some time away and proper consultation can be carried out. Perhaps the Chief Minister will stand up and tell us what he has told the Minister for Urban Services about how this will be enforced. The Chief Minister is not listening; perhaps he might like to listen, because he is putting a burden on his own department, the Department of Environment, and on Mr Wood's department to enforce something.

**Mr Corbell:** That is the first time you've believed me about the land release program.

**MR SMYTH:** Sorry?

**Mr Corbell:** That is the first time you have ever believed what I have told you about the land release program.

**MR SMYTH:** Mr Corbell is right. Is Mr Corbell now saying that we should not believe him in particular? Mr Corbell has said that there is no urgency. I would urge members to agree that we adjourn this—it can come back on next week—to see if we can come to some sensible compromise about how this might go forward. Once the government is urged to do this and accepts it, I think it will trigger a chain of events that could affect far more people than the 17 of us here. Its impact is inconclusive. It will result in some reduction. But what about the closest suburb; what about Throsby? Are we going to do this for Throsby? What about all the other suburbs on the urban edge? Will they now have to have cat enclosures? For consistency you would have to assume that they would.

What do you then do with the existing suburbs? Can you fairly have a clause like this in one suburb and not in a suburb next to it? We are not against it, but we want some more time to consider it. And I want to know how it will work before I vote for such an amendment. I do not believe this is the right way to go about this. Process has been thrown out the window by the Greens, which I think is a shame on the Greens given that they are normally so strong on the process. None of the questions can be answered about what the consequences will be. Will somebody come back and amend the Crimes Act—illegal ownership of a cat in a prescribed suburb, five penalty units? What happens with a cat that is caught in a prescribed suburb? Will they be executed? Are we going to go out and shoot the cat? Is it the cat's fault? Will they be given away?

**Mr Quinlan:** Good idea.

**MR SMYTH:** “Good idea,” says Mr Quinlan. There is the other end of the spectrum. Maybe they should all be destroyed. Maybe the whole of Canberra should be cat free. But what we are doing is lashing out here on something that we have not thought through. I think it is perhaps time to shut the debate down and bring it back next week when we will have a clearer idea of what the implications are. Mr Speaker, I move:

That debate be adjourned.

Question resolved in the negative.

**MS DUNDAS (6.10):** I inform the Assembly that we will be supporting Ms Tucker's amendment to Mr Stanhope's amendment, and then we will be supporting Mr Stanhope's amendment. Ms Tucker's amendment is quite sensible because just having a fence does not prevent birds from flying into the area where the cat is enclosed, which could have a major impact. Cats are quite dextrous and quite possibly could escape. I think Mr Stanhope's amendment is a comfortable compromise at this point to allow people moving into Forde and Bonner to retain cats as pets but in very enclosed ways so that those cats cannot impact on the Mulligans Flat reserve or Gooroo.

3 March 2004

In terms of enforcement, a point Mr Smyth did not seem to take on board, is that once a cat was found in the nature reserve they would be treated as a feral cat, like any other feral cat found in nature reserves across the ACT. We already have enforcement procedures for those cats, and I see them quite simply applying in this case.

I am glad that this debate has been concluded in time for people who are looking to move into Forde and Bonner to have the full information about the restrictions on blocks of land and so that we can work to protect our native bushland and our native fauna to the best of our abilities.

Question put:

That **Ms Tucker's** amendment to **Mr Stanhope's** amendment be agreed to.

Question resolved in the affirmative.

Amendment agreed to.

Question put:

That **Mr Stanhope's** amendment, as amended, be agreed to.

Question resolved in the affirmative.

Amendment, as amended, agreed to.

**MR SPEAKER:** The question now is that Ms Tucker's motion, as amended, be agreed to.

**MS TUCKER (6.13):** I would like to make just a few concluding comments. The opposition are furiously opposed to this so-called policy making on the run. Well, I cannot help it if the Liberals have not chosen to look at this issue before. It has been an ongoing discussion in Canberra since 1992, but also in more recent times. I was going to put this up last sitting week, so this is hardly taking the Liberals by surprise. At that point the government were not ready. So of course there has been opportunity for the Liberals to do their work on this. If they have not, I cannot take responsibility for that.

One of the points Mr Smyth made was about how we will manage this. He asked whether we would be going into houses to see if there is cat food there. Well, my understanding of the amendment from Mrs Dunne was that the Liberals were more inclined to support a ban than to support what the government has amended my motion to give us. If Mr Smyth is so concerned about the enforcement of a ban, that makes me even more confident that we have done the right thing here today. There are arguments for both a ban and the containment of cats, but I am hearing Mr Smyth argue against the ban, which is what Mrs Dunne was giving me as the temptation to support this amendment. So there are clearly different views in the Liberal Party about this.

If we can get something happening today, the difference between the two is not that significant. There are arguments both ways. I take the argument that Mr Corbell put

about enforcement of bans; there is an argument that that could be potentially more difficult than just having the containment regulation. On the question of what happens to the cats, as Ms Dundas has said, if there are cats in the nature reserve they are trapped and treated as feral cats.

The really important issues in this are about community understanding about the significance of the suburb that they have chosen to live in being next to this incredibly important nature reserve. By making these regulations, that particular aspect of that suburb is being made quite clear, and this is very important, I believe, for the future of the nature reserve. I have heard people say, “Oh, well, horses do damage” and “Well, development does damage,” and that is right; that is why a lot of conservationists did not even want these suburbs next to this very important area with such intact biodiversity. I do not know whether I need to point it out, but on the whole horses do not eat birds and other mammals. Certainly, people walking their dogs can be an issue with mammals and with tree-creeping birds. The brown tree creeper and the hooded robin particularly are very vulnerable on the ground to dogs as well, and I think that that is obviously something that has to be looked at. We have talked about weed invasion. That is something that also has to be looked at.

I find it quite concerning when I hear the Liberal opposition trivialising this to a degree when it is such an important environmental area. We know that and we know the evidence is in that cats can have a very serious and negative impact on such areas. On the issue of more consultation and the accusation that I am not wanting consultation and so on: there has been a lot of consultation more generally in our community about the environment. It was an issue in the last election and it is certainly an issue federally now. We know that generally the community value biodiversity and are understanding more and more that we cannot afford as a community to ride roughshod over the important biodiversity that is left in our region. More and more people, as they experience impacts personally of the environmental degradation that has occurred—whether it is climate change, drought, the increase in fires or the changing climate and water availability—are waking up to the fact that this is not something we can just disregard. This is something that matters.

When people choose to live in these suburbs, they will know that they are living in a very special place. They are privileged to live there and they have particular responsibilities because they have chosen to live there. The containment option that this government have said they are prepared to support I do see as a reasonable compromise. It is supporting the importance of acknowledging that we have to respect the environment and that, if we are going to have development next to important reserves such as Mulligans Flat and the Gooroo Reserve, we must accommodate that special place by taking responsibility for it.

Mr Smyth also said, “What about Throsby?” Throsby is not going to be developed for at least seven years, as I understand it. So it is not something we need to look at right now, although it is certainly something that will need to be looked at. Also, generally, I think there is an argument for having broader consultation with the community in existing suburbs that are adjacent to nature reserves, to see if we can find an arrangement so that those suburbs either have restrictions and regulation around containment of cats or are cat-free areas. Clearly, that would require consultation because people are living there now and many may have cats, so that would need to be done as a separate exercise.

3 March 2004

I am pleased to see that there is support from Mrs Cross, Ms Dundas and the Labor government for some clear statement of policy on this important environmental issue and I thank them for their support.

Question put:

That **Ms Tucker's** motion, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 4

Mr Berry

Mr Quinlan

Mr Cornwell

Mr Corbell

Mr Stanhope

Mrs Dunne

Mrs Cross

Ms Tucker

Mr Smyth

Ms Dundas

Mr Wood

Mr Stefaniak

Ms MacDonald

Question so resolved in the affirmative.

Motion, as amended, agreed to.

## Adjournment

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

That the Assembly do now adjourn.

## Canberra refugee support group

**MR SMYTH** (Leader of the Opposition) (6.23): Mr Speaker, I rise tonight to speak about a reception that you hosted last Sunday, 29 February, in the reception room of the Assembly. It was a reception in honour of the Canberra Refugee Support organisation and it was their third annual Canberra Refugee Support reception. Mr Speaker, you were there, as was Ms Tucker. Ms Dundas turned up, and I was there representing the Liberals as Gary Humphries came but had to go to another function quite early.

On behalf of the Canberra Refugee Support group, I just wanted to read some of the speech that their president used on the night to tell people about what Canberra Refugee Support does:

This Reception is intended to present an opportunity for the members of the Canberra Refugee Support to meet on a social basis and especially to say “thank you” to the many people from other refugee related areas, with whom we work.

I am sure that you appreciate that organisations like Canberra Refugee Support can only operate effectively in cooperation with others. On behalf of our members, let me say “thank you” to the other agencies and groups involved with Refugees in the region.

We are very keen to maintain our positive working relationship with each of you.

He then went on to talk about partners:

It's also important to allow us to recognise the marvellous support and forbearance provided by the partners and families of our members. I want to convey a special "Thank you" to you for enabling and supporting our work.

Geoff then went on to say:

I would now like to take a moment to tell you something of the refugee situation in Canberra today.

In particular I will address the continuing need to provide support for refugee settlement in Canberra, even though the numbers of new entrants is small.

Well, why do I say there is a need to continue to provide support to refugees in Canberra? The answer is simple: refugees continue to present to our organisation seeking assistance.

In the last few weeks, for example, we had:

two requests for support for accommodation,  
one request for \$1,600 to pay for medical tests & police checks,  
we continued the processing of a family reunion request that will eventually cost over \$10,000 to fly a family here from Cairo,  
we continued our thriving furniture and household effects distribution to needy refugee & former refugee families,  
and we provided some letters of support to assist a Temporary Protection Visa applicant.

In addition, individual members of our group have had innumerable personal contacts with the marvellous people we help to settle here. And I would add that each one of these person-to-person contacts is highly valued.

Obviously that's not all happened last week. The Brumbies had an important win for example—but you might get a sense of the support that the people in our community are seeking.

To date, we have been able to meet most of the requests put to us.

That's not because we have an endless resource or because we are particularly clever. It is because people in this community, people in Canberra, actually care and want to make a contribution.

Let me illustrate the point:

You might recall that we had an Afghan family in Iran last August. They achieved approval to come to Australia as refugees but needed about \$8,000 for their airfare to get here. We launched a public appeal through our friends at the Canberra Times and raised over \$10,000 in no time flat! As has been our experience with previous appeals, we had not one negative reaction. Of the several hundred letters, calls or notes involved, all were positive and encouraging. And now the family is settled here, paying tax and making a contribution to their new community.

3 March 2004

The president went on to talk about their furniture business:

But probably the best example I can offer you for my assertion that the need to support refugees in Canberra continues today, even though the number of new entrants is small, is to look at the hub of activity around our furniture and household effects centre.

Some of you may not know that we have a space in the basement of the Tuggeranong Community Centre from which we distribute furniture and household items. We also use some private storage areas and dream—

Treasurer, they dream—

of a purpose built facility!

Nevertheless, there is hardly a day that goes by without some activity related to our furniture operation. We don't advertise, we simply respond to demand. And that demand has remained constant.

I should also say that we don't buy any of these items. They are all donated—and that tells you a lot about the people of Canberra.

This is also an excellent opportunity for me to point out that that part of our operation is run by Cecelia Jackson & her husband Greg, with an enormous amount of support from Pam Kearns and a dedicated group of other members including the Satrapas, the Hagans, and many others. I can only say Thank You for your dedication and innumerable hours of work to make that happen. The people of Canberra should know that you do such a job.

I will finish the speech there, Mr Speaker. You were there and you heard it. I give my regards to Geoff McPherson, president; Doug Hinde, vice-president; David Crann, secretary; and Claire Hegney, treasurer, of the Canberra Refugee Support group.

### **Citizenship ceremonies**

**MR PRATT** (6.28): I rise to raise an issue based around the bill of rights debate and the concerns that I have raised a number of times here about the Chief Minister's politicisation of Multicultural Day, Australia Day and other events, which I believe is of deep concern to those who are aware of what has been spoken about.

The community would hope that our Chief Minister would govern for all. That is part of his charter. The Chief Minister needs to demonstrate leadership and he needs to encourage harmony. He is our Chief Minister and this is what we as a community want to see in our Chief Minister. Against this background, I was curious about one aspect of the last four or five months especially of a program of quite controversial and divisive speeches, particularly in relation to David Hicks. I was concerned about that so I checked around and what I found, of course, was that David Hicks is used as a convenient vehicle for federal bashing. If that was going to be the case, I was also keen to see whether the Chief Minister had done his homework.

There is a romantic myth surrounding David Hicks, and the Chief Minister's obsession with this fellow is certainly of some concern. I want to make two quick points. Firstly, let us remember that David Hicks quite freely made his choices and must take responsibility for those choices and the actions that he took. He exercised his rights and he did what he had to do. Who is David Hicks and whom did David Hicks join and train with? Does the Chief Minister know? If he is going to put David Hicks up there on a pedestal, does he know much about him and his background? Has the Chief Minister heard of the Afghan Mujahadeen fundamentalist element of the Kosovo Liberation Army, the KLA? This was a small element of no more than 1,000 fighters, who were disowned by the greater democratic majority of the Kosovo Liberation Army. They were disowned because of their murderous ways. They in fact killed democratic moderate Muslim Kosovars as well as Serbian civilians. That is who David joined in 1998; that is who he trained with. Then he returned with that group to Afghanistan with the Taliban. My Care Australia staff in Kosovo knew of these people and they knew exactly who these people were.

The second point I would like to make is: has the Chief Minister heard of Peter Bunch and Diana Thomas? I doubt it, because as far as I am aware he has not spoken of them. If he has spoken of them, it has been to nowhere near the same degree as he has continually spoken about David Hicks. Bunch and Thomas were taken captive by the Taliban in 2002—ironically in the same year as David Hicks was in Afghanistan operating with the Taliban. Bunch and Thomas were nearly killed in 2002. I met them when they came back to Australia. They are honourable and brave people and they did not do anything wrong. But we do not see them being put up on a pedestal as heroes, as role models. Instead, we see David Hicks being put up there as a vehicle to be used.

I would like to see the Chief Minister exercise some balance in the causes that he decides to select for whatever reasons. He is our Chief Minister. Taking off our political hats for a moment, we respect that office, we want to see the Chief Minister firing on all cylinders and we expect him to exercise leadership and balance in the way that he governs this place—not to be driving wedges. He certainly needs to be careful what causes he picks to make the points that he wants to make.

## **Public housing**

**MR STEFANIAK (6.33):** I rise to discuss some very worrying trends I am observing in relation to some housing trust tenants and some of the problems experienced in neighbourhoods where tenants are very, very antisocial. It is a real problem, and it is also something that I have noticed seems to be increasing. I can recall probably five, six or seven years ago that there were occasional problems, which often could be resolved by perhaps moving one tenant. Sometimes the issue would resolve itself because one particular tenant who was difficult simply would not pay rent, so they would be evicted and the problem would go away.

But I have been contacted very, very frequently—far too frequently—lately by a number of very concerned constituents in relation to some incredibly difficult tenants. I refer to ongoing problems in Worrell Place in Florey. The minister will be well aware of the problem house there. I am not sure how many people are meant to live there, but I am told by the neighbours over the road at the old people's units that a large number of persons still either visit or reside there. I saw an old couple only a couple of days ago,

3 March 2004

who advised me of continuous problems with some of the children, teenagers and young adults who come through the APUs and make threats to a number of the older people there. That is a particularly disgusting and cowardly act towards helpless, frail old people.

I know the police have been called out on a number of occasions and, yes, certain action has been taken and steps have been taken. But the problem is ongoing. The house in Worrell Place where these tenants reside obviously was freshly painted and fixed up before they moved in. The front guttering has now basically been pulled off the roof. Someone or person or persons unknown have kicked in the fence and the gate and it certainly has a dilapidated look about it. The problems are ongoing there.

There are some problems that the minister is aware of, which I have brought to his attention, in relation to another family and grouping in Dunlop. I have been advised that crime in that area—break and enters and other incidents—has gone up by about a third. Okay, you cannot necessarily pin it on that particular group; but the other persons who live in that area are living in fear. One family I spoke to had to move their little girl into another room because her bedroom was very close to this house and she was terrified. There have been allegations of assaults. Neighbours are trying to work through the problem, but they do not seem to be succeeding.

I know it is difficult, but at the end of the day I think housing has to accept its responsibilities to be a model landlord, and that means doing the right thing not only by its tenants but by law abiding citizens who live in the vicinity, next door or close to housing trust properties. As I said earlier, it is a very worrying concern to have a constant stream of complaints from people who have the neighbours from hell moved in next to them. It is important that the minister and housing take this matter very, very seriously. The bottom line is that the rights of the average law-abiding citizen, be they elderly and frail aged as in the case of the ones in Florey or just neighbours in the case of the ones in Dunlop, have to be protected. If need be, those bad tenants simply have to be moved again. I know it is hard for the minister, but at the end of the day there is a duty by housing, by the government, to law-abiding citizens in this territory.

On a more pleasant note, because my colleague Mr Smyth could not attend I attended on Saturday night a wonderful function recognising all the talented sports people in the Tuggeranong Valley. It was a bit out of my bailiwick but, as the founder of the Tuggeranong junior rugby club back in about 1979, it is always good to get down there. It was great to see so many very talented young and not so young athletes and various sporting groups rewarded for their efforts. The Tuggeranong Valley rugby club supports about 55 different sporting organisations and it was a particularly good night. The Treasurer, I noticed, was there, as was Mr Wood. I had a wonderful evening, made all the more pleasant by sharing a table with my old second row partner “Ooh Aah John McGrath” and also Dick Hehir, the founding father of the Tuggeranong rugby club, who a long time ago used to be a quite talented prop. He has put on a few pounds since then and got a bit greyer, but it was great to see him again.

**MR SPEAKER:** The member’s time has expired.

## **Belconnen markets**

**MRS DUNNE (6.38):** I rise to discuss the future of the Belconnen markets and the impact of pay parking on the markets and elsewhere. I notice that on 6 February this year the Chief Minister launched the Belconnen markets master plan. It showed some quite revealing things about the markets, which as a Belconnen resident of long standing I frequent fairly regularly. It is interesting to find that most people really enjoy going to the markets. Fifty-two per cent of Belconnen residents do their main grocery shopping weekly and 29 per cent do it fortnightly. And 85 per cent of Belconnen residents have shopped at the Belconnen markets in the past 12 months. Of those 85 per cent who have shopped at the markets, 42 per cent usually shop at the markets weekly. That is a very large proportion of people in Belconnen who go to the markets every week—so it is not just Bill Stefaniak and I—and 17 per cent once a fortnight and 15 per cent once a month. Ninety-four per cent of shoppers were satisfied or very satisfied with their shopping experience at the Belconnen Fresh Food Markets and shoppers were keen to see—get this, Mr Speaker—improved parking and shaded parking, grocery stores and more cafes and eateries.

In the press release that went with the launch of the Belconnen markets master plan—I need to say that this is not a government master plan; it was actually a master plan put forward by the owners of the markets to create a way forward to make sure that the markets become viable—the Chief Minister talked about the Belconnen markets as being an important part of Canberra’s cultural and community history. But there was nothing about their future; he talked only about the past. Also in that press release the Chief Minister said, “The building of our city and community is a task that my government has taken to with vigour and is demonstrated by our ongoing successful program for refurbishing suburban shopping centres.”

Can you remember when? The only one I can remember going on at the moment is Higgins, and that was our idea anyhow. The whole issue here is that the minister talks about the past but not about the future. He said that the Stanhope government is committed to the revitalisation of the Belconnen Town Centre, but he did not say anything about the markets, whose master plan he was launching. In terms of actions, this government’s contribution to the future of the Belconnen markets seems to me to be entirely negative. They have ruled out the possibility of an Aldi supermarket there, and they have introduced pay parking, which means that the market car parks, which are private car parks and not subject to pay parking, are now full of commuters, leaving nowhere for the customers of the markets to park.

I have to question whether the government is committed to helping to keep the Belconnen markets viable or whether pay parking is intended to favour shopping at malls, because at the mall you can get the first two hours free, which means that local retailers in the trades area are now at a disadvantage—or is this just another unintended consequence of pay parking? I would like to see some guarantees from this government that one day the master plan for the Belconnen Fresh Food Markets might come to fruition, along with the supermarket that is part of that master plan.

3 March 2004

## **Video games**

**MR CORNWELL** (6.41): I am pleased that Mr Quinlan, the Minister for Economic Development, is here, because I wanted to comment—

**Mr Quinlan:** I'm not paying a lot of attention, though, Greg.

**MR CORNWELL:** Pardon?

**Mr Quinlan:** I'm just on duty; I'm not paying a lot of attention.

**MR CORNWELL:** That is all right. I just wanted to refer to a comment in the *Canberra Times* on 20 February, where Mr Quinlan officiated at a function launching the second phase of development by Braddon company, Irrational Games Australia, of a video game. The creator of the best-selling video game *Freedom Force* is to embark on a major expansion of its Canberra facilities. It has sold 350,000 units worldwide since its release in 2002. This is an excellent company, set up here in Canberra, and I would certainly commend them, as I am sure my colleagues do. However, I fear I should warn them because they are currently working on a new game, *Freedom Force vs The Third Reich*. This is fine, because we know exactly—

**Mr Stefaniak:** Do they have a bill of rights?

**MR CORNWELL:** Thank you, Mr Stefaniak; I am concerned about the bill of rights in this respect, but I am also not too worried about it because the Third Reich, after all, were baddies. We all know that they were baddies. I am, however, extremely concerned if they decide to launch a second one, “Freedom Force vs Saddam Hussein and the Republican Guard”, because I suspect that some members of this Assembly will take offence. The Chief Minister, for example, was offended by the war in Iraq. He is not going to tolerate an ACT company putting out such a video game, and I suspect that the Greens and the Democrats will be horrified. Nevertheless, before the next private members' day when we will have a plethora of motions attacking these things coming forward, I would just like to say that, in spite of the fact that I presume *Freedom Force vs The Third Reich* is going to be some sort of violent game that again would not meet with the support of the pacifists in this place, I would like to commend Irrational Games Australia, an ACT company, and wish them well for the future.

Question resolved in the affirmative.

**Assembly adjourned at 6.44 pm.**