



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

15 FEBRUARY

2005

Tuesday, 15 February 2005

Indian Ocean tsunami	349
Death of Mr Adam Dunning.....	361
Death of Mr Charlie Pahlman.....	367
Death of Mr John Dainer.....	374
Leave of absence	378
Ministerial arrangements	378
Questions without notice:	
Canberra Hospital—accreditation	379
Bushfires—coronial inquest	380
National Multicultural Festival.....	384
Disability services.....	385
Bushfires—coronial inquest	386
Bushfires—coronial inquest	388
Australian National University.....	388
Bushfires—rebuilding	390
Child protection	392
Small Business Commissioner	394
Answers to questions on notice:	
Questions Nos 50 and 51	396
Papers	398
Legislation program—autumn 2005.....	399
Papers	404
Budget 2004-2005—mid-year review	404
Papers	404
Capital works program 2004-2005	404
Papers	405
Health—Standing Committee	405
Territory plan—variation No 243.....	406
Disability Services—Board of Inquiry	406
Papers	406
Water catchment quality—role of native vegetation (Matter of public importance)	409
Legal Affairs—Standing Committee.....	418
Health Records (Privacy and Access) Amendment Bill 2005.....	419
Dangerous Substances (Asbestos) Amendment Bill 2005	420
Government Procurement Amendment Bill 2004	422
Revenue Legislation Repeal Bill 2004	427
Adjournment:	
Fashion parade.....	431
ACTION	432
Sport and recreation.....	432
ACT Housing.....	433
Sport and recreation.....	434
Native vegetation catchment management	435
Tsunami charity golf day	436
Australia-Croatia congress	437
Auschwitz	438

Incorporated documents:

Attachment 1: Document incorporated by the Treasurer	440
Attachment 2: Document incorporated by the Treasurer	441
Attachment 3: Document incorporated by the Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services.....	441
Attachment 4: Document incorporated by the Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services.....	443
Attachment 5: Document incorporated by the Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services.....	444
Schedule of amendments:	
Schedule 1: Government Procurement Amendment Bill 2004	447

Tuesday, 15 February 2005

MR SPEAKER (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Indian Ocean tsunami

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): I move:

That this Assembly expresses its profound sorrow at the devastating loss of life in the Boxing Day tsunami in Asia and tenders its heartfelt sympathy and condolences to the families and friends of the many thousands of victims of this tragedy.

Since this Assembly last met our world has once again witnessed a disaster of massive proportions. This time, the disaster was not man-made but its impact was unprecedented in scale and destruction. When the first reports trickled through of a huge and terrifying wave sweeping across the Indian Ocean, the outside world had no idea of the true havoc wreaked by the wall of water. It was only as the hours and days passed that the magnitude of the earthquake and its resulting tsunami was truly realised. Even today, we are still learning about the scale of destruction. The overall impact was even more shaking and confronting as many of us were enjoying a traditional period of celebration around Christmas and the New Year. The region will never be the same again; neither will the communities affected by the tsunami.

On my behalf, on behalf of this Assembly and the people of the ACT, I express my deepest and sincere condolences to everyone who has been affected by this catastrophic event, including some members of our very own community. With the death toll now standing at 295,000 and with so many left without homes or livelihoods, the effect of this disaster is too great for many of us to comprehend. Canberra is home to a number of Sri Lankan, Indian, Thai and Indonesian people, and others whose countries have been affected. To you I express our deep sadness for the loss of your people and the destruction of your traditional homelands and your community. Although the thought will do little to ease the grief of those who have lost so much, the tsunami disaster has also united the world in a positive way. I hope the international response to this tsunami will refocus the world's attention on the importance and value of our shared community.

The Australian government deserves to be commended for its prompt and generous response to this tragedy and the Australian community can take pride in the fact that as a nation we donated more for relief than any other nation. We in the ACT can be proud that we have taken such a proactive role in assisting the relief effort. Within a few days of the disaster the ACT government, led by Acting Chief Minister Ted Quinlan, convened the ACT Emergency Management Committee, chaired by Emergency Services Authority Commissioner Peter Dunn, and began planning the territory's response. Options were put to the commonwealth government, which included offers of assistance from the ESA, ACT Health and ACT Recovery.

A three-member medical assessment team from the Canberra Hospital flew to Thailand in the first week of the aftermath. The team of committed medical professionals checked all the Australian and New Zealand patients in Thai hospitals. It assessed the patients' conditions and their care and the capability of the local hospital to treat the patients to the highest standard. ESA operational support staff member Pat Duggan was sent to Jakarta to work on planning and logistics under the guidance of the United Nations. A four-member team of structural engineers, co-ordinated by the ESA, has been to the Maldives to assess the safety of their schools. Two members of this team are ACT residents.

The outpouring of generosity from Canberrans was inspiring. Fundraising activities have been organised all over town and residents have opened their hearts and their wallets and donated to the many relief appeals being run by various charities. At our city's New Year celebrations, Canberrans took the opportunity to donate more than \$38,000. A large part of that funding was corporate donations. I thank all those ACT businesses that were so generous in making sizeable donations. The ACT government too, on behalf of the people of Canberra, donated \$500,000 to the Red Cross appeal. The job of rehabilitating the affected areas, their people and their economies has only just begun. We cannot lose sight of the fact that this is a very long-term relief effort. The United Nations has predicted that it will take at least a decade for the affected communities to recover.

I hope that we do not lose sight of the qualities we have shown as human beings—our compassion, our kindness, our courage, our generosity of spirit and our solidarity. Disasters of this magnitude, thankfully, do not happen often, but across the world communities are regularly devastated by such scourges as famine, war, drought, and disease. Let us not forget that everywhere in the world there is pain, suffering and loss. Let us all help where we can. The positive action in the aftermath of this disaster has been one of the greatest examples of people power. United Nations Secretary-General, Kofi Annan, in his opening statement to the special ASEAN leaders meeting in Indonesia on 6 January, said:

The past eleven days have been among the darkest in our lifetime. But they have also allowed us to see a new kind of light. We have seen the world coming together. We have seen a response based not on our differences, but on what unites us. We have seen an opportunity to heal old wounds and long-running conflicts. We have seen everyone pull together.

I hope the light Kofi Annan speaks of continues to burn bright.

MR SMYTH (Brindabella—Leader of the Opposition): On behalf of the opposition, I also join in this motion. I thank the Chief Minister for moving it, to acknowledge the almost 300,000 citizens of the world who died as a result of the tsunami and earthquake on 26 December last year. When you read through the list of the countries affected, and the death toll, it is probably incomprehensible that a country like Indonesia can lose more than 235,000 people, Sri Lanka more than 30,000, India more than 16,000 and Thailand more than 5,000. Countries like the Maldives lost 82, Malaysia 68, Myanmar 61, Bangladesh two citizens, Somalia 298, Tanzania 10, and Kenya one. Of course, there were also the visitors, the non-locals, who were there from countries as diverse as Sweden to Ireland. No part of the world has not been affected by this tragedy. Indeed,

Australia itself is touched, with 19 Australians identified as having died—13 Australian citizens and six residents.

To bring it home, a local woman, Mrs Balachandra from Gordon, was in Sri Lanka with her family celebrating Christmas and unfortunately was caught up in the tsunami and lost her life. I understand from friends of the family that when Magdalene was found someone had taken the time to arrange her body, do her hair and lay flowers by her. I understand the family is very grateful for that small kindness. In a tragedy of such magnitude people still had time to pay the small courtesies.

It is something the world had to respond to, and I am very proud of the way Australia has responded to it—whether it be the federal government's response of more than \$1 billion over the coming years or the way our defence workers and aid workers and, indeed, Australians holidaying in those affected countries, pitched in and helped out. It is a very Australian thing to do. There is the reaction of the Australian public. More than \$200 million was raised in such a short time. It is a tribute to the generosity of Australians and it is something that will be remembered for a long time.

I congratulate the people of Canberra, as the Chief Minister has said, for raising \$38,000 on New Year's Eve. It is no small amount of money. Memorial services were held in various churches and communities. People kept coming out time and again to be together, to pray and to offer their respects. We showed practical assistance through the medical team from the Canberra Hospital that was in the air almost immediately and the team of engineers that is currently in the Maldives assessing schools so we can start rebuilding these communities.

I recently received a copy of the newsletter from my old Marist school. The Marist community lost a school, the Holy Cross College in Kalutara, 40 kilometres south of Colombo. The Marist community of Australia has decided that it will donate \$2 for every student at a Marist school. That should raise something like \$100,000, which will be enough to rebuild that school. Brother Mervyn, who was in Sri Lanka on the day, wrote:

the tsunami came ashore on the 26th of December and destroyed the school. It was basically washed away by the waves. The people here are in shock. Many of the dead are children and a number of them have lost their father or mother. At the time of writing fifty of our students are still reported missing. The Brothers and staff now have a very big responsibility to care for these children who are orphaned, as they have nowhere to go.

That tragedy will never go away. We have a very long way to go. It is not over. Two months after the event it is not something the world put behind us, and we should not. It will be many years and will require many years of generosity—and I am sure Australians and Canberrans are up to that generosity—to ensure that we help restore Indonesia, Sri Lanka, India and the Maldives to where they were, so that we can all share in the world as it should be.

So, on behalf of the opposition I thank the Chief Minister for moving this motion this morning. It is important that we acknowledge the tsunami. So many communities in this city have been affected by it. I thank them for their generosity. I let them know they have the support of their Assembly, and together we can go a long way to making sure that we rebuild this shattered part of the world.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development): Very briefly, I support this motion, having witnessed first hand the reaction and response of Canberrans which was, I have to say, truly magnificent. After the various pieces of film recording the disaster, there was a second level of reportage of the children who were instantly orphaned, the parents who lost their children, and those people who were dispossessed, both of home and of livelihood—and Canberrans responded generously. But I detected, as I met with various people and attended some of the services, that there was also frustration. People wanted to do more. It was an event of such magnitude and it touched people so firmly that people wanted to jump on a plane, go over there and start doing something physical. People here wanted to adopt the orphans, they wanted the red tape slashed and burnt. They just wanted to do something themselves.

Hopefully we were able to communicate that a lot was being done in their name. Although there might be room for one or two individuals to go over and do something at ground zero, most of it had to be done through some structure and with respect for the sovereignty of the nations and regions that were impacted. The emotion that came through to me was pride in people's frustration. I have given money, but I have not expunged from my soul the feeling I have. People would still like to have done more. I hope that through what has been done at a national level and by the various states and territories, mainly through organised structures, that people feel that as much as possible has been done or offered by Australia and by the territory in their name.

At the end of the day, we can support the recovery effort by making sure that we consider these areas for our holidays and do not write them off. We can return to these tourist destinations—or business destinations if we happen to be in business. I do not think the social security systems in some of those nations is quite up to ours and many livelihoods were literally washed away and have to be rebuilt from absolute zero.

DR FOSKEY (Molonglo): The tsunami of Boxing Day 2004 was a disaster the extent of which we cannot yet fully comprehend. Much has already been said today and more will be said, and I endorse the sentiments of my colleagues. In my speech I want to put the tsunami and subsequent relief and humanitarian efforts into a global development context. I also want to consider the kinds of assistance that might be most useful to the most disadvantaged groups. Poor women are usually at the bottom of these categories so today I give them the special attention they usually do not get. On Boxing Day we probably all felt a little guilty and very helpless as we viewed our own comfort against the destruction and sudden homelessness we saw on our screens or heard about on our radios. Many of us did what we could most usefully do. We reached into our pockets, somewhat depleted by the Christmas splurge, and gave whatever money we could afford.

Those of us who often disagree with the federal government's foreign policy and criticise the government for its declining levels of aid were cautiously optimistic about its generous promises to the Indonesian and other governments affected by the tsunami. But now the media spotlight has moved on, who will measure the impact of that aid on the lives of the people affected? Has our aid trickled down to those who needed it most, both before and after the event? Let us look at that aid. Much development assistance is given as tied aid. Aid that benefits donors may be inappropriate for recipients. For example, Australia and the US are more likely to give away wheat, which they have in abundance, even though the staple of the affected communities is rice. Similarly, imported building

materials may threaten the viability of local producers whose products are suddenly more expensive than donated alternatives. Australia's aid contracts are to be given exclusively to Australian and New Zealand companies and approximately half of the \$1 billion that we pledged is in the form of interest-free loans, so it will be coming back to us—boomerang aid.

This pledge needs to be weighed against the more than \$1 billion that Indonesia already owes Australia. Prime Minister Howard opposes forgiving the debts owed by tsunami-affected and other low-income countries and has even refused to consider placing a moratorium on debt repayments from tsunami-affected countries. The tsunami disaster reminds us that survival requires resilience at country and community level as well as at the level of the individual. In 2000 the countries of the world agreed upon the millennium goals, which go further than any earlier agreements in setting a number of targets to overcome poverty. To assist in post-tsunami recovery and to reach the millennium goals, aid donors, public and private, should be working with local organisations that know their communities, their needs and how to satisfy them. The people most affected by the tsunami were poor before the event but they are undoubtedly worse off now. How do we assist in a way that builds in resilience?

The development community has long understood that programs devised with women provide the best means of helping families and communities. The Indian Ocean tsunami made no distinction between men and women but it became clear in the weeks after the wave hit that women and children were put particularly at risk. For example, in Sri Lanka, where women were already vulnerable to sexual abuse and trafficking, reports emerged of rape and physical abuse of displaced women and girls. Also, at least 150,000 pregnant women may be facing complications of pregnancy including trauma-induced miscarriage and they need urgent medical and nutritional support, according to the United Nations Population Fund. Their chances of delivering in safe and clean conditions have been jeopardised by damage to health facilities and loss of basic delivery care supplies. In all the societies affected, women are expected to care for the children, the aged and the sick. Consequently, their burden is now increased by the high number of people injured or becoming ill as epidemics develop. They may also need to increase the amount of time they spend collecting water for drinking and agricultural crops.

According to Noeleen Heyzer, the Director of UNIFEM, the United Nations Fund for Women, in two of the worst-hit areas—the province of Aceh in Indonesia and Sri Lanka—the current devastation converges with the complex consequences of decades-long civil war, and in some places, severe poverty. These forces have generated division and deprivation, but they have also led to the emergence of survival systems and neutral aid networks, including among internally displaced and refugee communities, and women have been at the forefront of many of these. So, as the international community organises to provide much-needed assistance, it must prioritise the mobilisation and support of women's networks that are crucial for emotional, social and economic recovery.

In Aceh, which suffered two-thirds of the total death toll of the disaster, women are renowned for their central role in society and have for years been at the heart of community networks. It is estimated that women comprise up to 70 per cent of Aceh's population of four million. Through years of conflict, the multiple roles women played came to form the lifeline of their communities. In this province, and elsewhere, women

have been at the forefront of developing survival strategies and struggling to keep their communities and economies alive, even while bearing the violence of war and the burden of poverty.

Women in poor communities do more than care for their families. In Sri Lanka they work in the fishing industry. Let us hear the words of affected women. When the villages washed away, they lost everything. Thousands of women are engaged in small or medium-scale enterprises. They have been rope makers, fish vendors, vegetable sellers, food producers or small-scale shop owners. These women not only contributed to the GDP but many were also the sole breadwinners of families. Most of these occupations are not now possible as land, houses or workplaces have been destroyed or the natural resources are no longer available. The best way to support women is to assist their organisations. Many local organisations have themselves been impacted by the tsunami. Some of their staff are missing, some colleagues lost relatives, one NGO director lost his wife and kids and many NGOs' offices are ruined. Most of them lost their properties. An International Labour Organisation study found that although women and children constitute the majority of victims seen in the media's representation of natural disasters, they are almost invisible in the follow-up policies.

Let us hope that the generosity of Australians towards the tsunami victims is accompanied by a greater awareness of the conditions that people face daily in developing countries, where there are no safety nets like Medicare, old age pensions and sole parents benefits to assist the poor. Forty million people globally live with HIV-AIDS and just over three million died of the disease in 2004. Daily, thousands of children die of easily preventable diseases and 600,000 women die of pregnancy-related conditions each year. We cannot prevent earthquakes and tidal waves but we can improve our early warning systems. We can prevent death by hunger and dysentery, and we should.

MR STEFANIAK (Ginninderra): I join with other speakers in this motion and send our condolences on the worst natural disaster any of us have ever seen—perhaps one of the greatest in recorded history. It is very difficult for people to comprehend the absolute devastation that occurred. On a positive note, it is excellent to see the help and the recovery effort that Australia and the ACT have made—over \$1 billion worth of aid pledged by Australia, the prompt despatch of defence personnel and assistance throughout the states, including prompt despatch of people from the Australian Capital Territory. The assistance that they are providing is certainly greatly appreciated by the survivors of this dreadful tragedy. The assistance Australia, including the ACT, has provided at a time of great tragedy has really helped Australian-Indonesian relations.

My colleague Mr Smyth mentioned \$200 million spent by ordinary Australian citizens to help out so far. I am sure that Australia and the ACT will continue to support the recovery effort. As the Deputy Chief Minister says, that is very important indeed. To give one example of the generosity of Canberra citizens, among many appeals that are going on, I attended, along with Deb Foskey, Karin MacDonald and Mary Porter, an excellent function at Olims. It was a \$50-a-head dinner, with \$45 going to the tsunami appeal. Olims generously donated lots of in-kind support and certainly would have lost money on the dinner. That was their contribution.

As well as that, at an average dinner some \$7,000 was raised from the ticket sales, \$5,000 at the auction and I think about \$11,000 in money pledged—\$22,000 to \$23,000 all up. I suppose that is just a microcosm of effort throughout the ACT and throughout Australia. That particular fundraiser was highlighting the plight of families and women in Banda Aceh. There has been a fantastic response from the Australian and the ACT community, and the usual excellent effort by our defence force personnel who, even now, are assisting their colleagues in Aceh and other areas to slowly start the long task of rebuilding from this absolutely devastating tragedy. I am certain that we in the ACT and Australia will continue to play our part in the recovery effort, which will take a long time.

MS MacDONALD (Brindabella): I am sure that all of us were horrified and overwhelmed by the extent of devastation and death caused by the Asian tsunami on 26 December 2004. Each of us now will have etched on our memory where we were and what we were doing when we first learnt of the event. The magnitude of the destruction was not at first evident. The ensuing images and stories that bombarded our television screens, radio waves and newspapers, while giving us a glimpse into the disaster, possibly also served to desensitise us to the extent of the human misery this has caused. I know that I cannot take in the full impact. I cannot fully comprehend the number of houses flattened, other buildings destroyed, the businesses lost, livelihoods wrecked and lives lost. I cannot fully appreciate the total and utter transformation that this is having and will continue to have into the distant future on so many people's lives. But I have had, in a very small way, an insight into the devastation this wave has caused for someone very close to me.

On 26 December, like many others, I was on my annual holidays, visiting friends and relatives in Sydney. When the images first flashed up on the screen in our hotel room, I could not believe that this was happening. Of course, in the next couple of days it became clear that it was not a surreal nightmare. In 1990, I met Fiona Nott. Fiona and I served together on the board of directors of the University of Sydney Union. Fiona was then, and still is, a truly remarkable woman, and I am pleased to say that she is still one of my close friends. She has a wonderful social conscience, a sharp business mind and knows the difference between wrong and right. She also knows how to have fun while still getting the job done. More than all of that, Fiona has a beautiful soul and in the past few weeks I have come to appreciate how incredibly strong she is.

Over the years I have met both Fiona's father, Richard, and her brother, Christian. So, when I rang Fiona the Wednesday after the tsunami and she told me that Christian and his new wife, Moi, were missing in Khao Lak, Thailand, I felt for both Fiona and her dad. Like all of her friends and many others in the community, I wanted to do something to help but was powerless to do anything other than send messages of love and support. Fiona and her dad's lives have been thrown into utter turmoil by the tsunami. Days led into weeks of waiting, hoping and praying that Christian and Moi would be found safe, alive. As more days went by, the hope of finding them alive dissipated and was replaced instead with prayers that signs of the couple, some personal effects, might be found and that their bodies would be recovered and identified.

So far a body that is believed to be Christian's has been recovered but is yet to be identified by DNA tests. I did not know Moi and it has been many years since I last saw

Christian. Christian always seemed to me to be very full of life, a person full of fun. Christian was a professional photographer but had also worked as a chef while travelling and for a while had worked as a model. One year Christian was named “Dolly Man of the Year” and I remember the title on the front cover of the *Dolly* magazine when it announced “Who’s HOT? Christian Nott!”

While I did not know Moi, she sounds like she was a wonderful person. I understand that Moi had worked as a television producer at both Channel 10 and XYZ Productions. I know that last October the Vogel and Nott families were overjoyed to attend Moi and Christian’s wedding. Looking at the photos of Christian and Moi on their wedding day, all I see is a very beautiful and happy young couple full of love for each other. I think that is the fitting tribute that we should remember them by. I finally say to Fiona, Richard and Moi’s family, and everyone else who was affected by this terrible tragedy, may the source of peace send peace to you all and comfort all who are bereaved.

MR MULCAHY (Molonglo): I too lend my support to the motion put forward by the Chief Minister. On an occasion such as this it is worth reflecting on the massive scale of this tragedy. As Mr Stefaniak pointed out, there has probably been nothing in our lives on this scale. Already estimates are of over 280,000 killed, amongst whom 19 Australians are confirmed as deceased with the status of eight more still to be confirmed. In Indonesia, which bore the brunt of this event, more than 220,000 are officially confirmed dead, but the official death toll is still expected to rise. More than 30,000 are dead in Sri Lanka, thousands in India, Thailand and the Maldives and many victims in Malaysia, Burma and other areas. It has been estimated that 1.5 million people were displaced around the region.

I suppose it is always possible to be critical that more could be done, that aid efforts are not appropriate or correctly structured, but it is fair to say that the territory, state and Australian governments and individual citizens have presented a rapid and effective response at all levels. Our citizens and businesses have pledged some \$235 million to relief agencies with many others collaborating on concerts and sporting events—often through community groups. Over \$2 million in goods has been donated by commercial entities and corporations. Besides these cash contributions, as was mentioned by the Chief Minister, there have been many offers of technical and volunteer support in different areas. Teachers have been sent to the Maldives for the new school year, engineers have been sent and further volunteers are working with Australia’s aid program in Banda Aceh.

The government’s response at an Australia-wide level was also to rapidly deploy consulate and defence personnel generally and police and other staff. We heard of those that left from Canberra. This is, without doubt, our biggest ever aid effort to assist, particularly, our neighbour to the north, Indonesia. In this town some 300 from the Department of Foreign Affairs and Trade were assisting. I understand that about 150 came back from leave to assist at the time. Many of those were working here in Canberra and around about 40 others were sent on to Thailand to establish temporary consular offices and to liaise with local authorities.

Crisis management and emergency hotline services were also set up as part of Australia’s efforts to coordinate a response. Much of this focused as a first priority on the whereabouts and safety of thousands of Australians, ensuring victims receive emergency

support and relief. We should note the contributions of Qantas and Virgin Blue in providing relief flights. Many agencies of the Australian government in Canberra, such as Centrelink and Customs, DOTARS and Austrade, as well as ACT agencies, assisted with more than 84,000 calls regarding families and loved ones. There was collaboration also with police agencies at federal, state and territory level, and between Immigration and Foreign Affairs to confirm the safety of over 14,300 Australians who reported to the hotline. Although tragic, it is remarkable that the death toll amongst our own citizens was low given the numbers that were on holiday in the region.

Early financial contributions in the order of \$60 million in emergency relief were provided by AusAID. These were not in relation to financing arrangements or anything. There was \$33 million in immediate relief to Indonesia, a further \$14 million for Sri Lanka and the Maldives and \$12 million for relief programs and in support of appeals from many non-government organisations. I understand that 30 of the AusAID staff from here were deployed to Aceh and Sri Lanka to monitor the humanitarian response and to ensure funds reached the intended beneficiaries—a very important issue that has received a deal of attention. I understand also that many of the locally engaged people amongst the AusAID staff worked through even though their own families were affected. In one case, one employee of AusAID lost 50 family members in Sri Lanka.

Australia's defence agencies have been playing an important role. I had the opportunity recently to speak briefly with the chief of our air force on this matter. In Aceh it has been working closely with its Indonesian counterparts supplying clean water, medical services, engineering resources and logistical support to relief agencies. We all know from the experience of the Bali bombings that properly identifying victims is essential. In Phuket, where so many Australians were affected, Australia has played a leading role with Thailand on disaster victim identification. It is grim, complex but essential work which our federal, state and ACT police, working with Thai and international partners, carry out in a most effective manner under most difficult circumstances.

It is important for affected families to know that governments are doing everything possible to expedite the process while ensuring it is done properly. This country has won world acclaim for taking a long-term view of assistance. That assistance has focused on reconstruction and development in Indonesia. As has been pointed out, we are contributing over \$1 billion in a five-year period to this partnership, bringing our total commitment to Indonesia over five years to \$1.8 billion.

This tragedy touched everybody. The experience is one we will never forget. In our own lives we look at different aspects. Over that period I was asked by the leader of my party to represent him at the event held here by the Indonesian Ambassador. I know all members opposite, federal parliamentary representatives and many others from the Canberra community reflected on the terrible loss of life in those days following the tragedy. I have an abiding memory of a Sky news story of a father with his deceased child. He had a vacant look, and it was a terrible scene that I will not forget.

On New Years Eve, I complimented the Acting Chief Minister for the ACT's contribution of \$500,000. It was a generous and well-appreciated contribution. As I indicated at the time, I am sorry the media did not give that the attention it warranted, but all Canberrans would be very comfortable with that level of generosity on their behalf. People at all levels have been making contributions. Even my own student

children of their own volition made generous contributions. I was taken by the manner in which this event moved even them. This motion is to be commended.

MRS DUNNE (Ginninderra): Members have spoken at length today about the incomprehensible nature of this dreadful catastrophe. I commend the Chief Minister for moving this motion today and I echo the commendation of Mr Mulcahy for the generosity of the ACT government in its donation. I also commend the people of the ACT and, beyond that, the people of Australia, for their unprecedented generosity in the face of an unprecedented natural disaster. After the original news broke, and the enormity of the disaster became obvious to all of us across the world, a constant message throughout the recovery is that nothing people saw on the television or read in the newspapers could prepare them for the devastation on the ground. We have heard that from our own ACT citizens who have gone as part of aid teams to many of the countries involved. Those comments were reflected by Mr Kofi Annan, by Colin Powell and by our own Prime Minister, who said that none of the briefings, none of what they saw could prepare them for the extent and the horror of the disaster. The other day a RAAF pilot said he flies into Banda Aceh every day and it does not get any better. Its impact does not change.

As the cliché goes, every cloud has a silver lining. As the Chief Minister said, the importance of this event is that we start to value our shared community across the world. I think they were the words he used. We take heart from the qualities being shown by people in all walks of life, in every country around the world that has been touched directly or indirectly. Whether it just be by the footage on the evening news, every person in the world in some way has been touched by this. In addition to helping in the long term, that 10-year or 20-year process that is going to be necessary to help these areas recover, we need to bottle and distil those high human qualities that have been expressed across the world.

There is always the low side, and we have seen it here as well. We have seen concerns around the world that the children, the most vulnerable in this dreadful disaster, might be preyed upon by traffickers and people who are interested in them only for sex or exploitation of some kind. We need to keep that in perspective, and we need to ensure that we are doing our utmost on an ongoing basis to ensure that the people of the region affected by the tsunami have the opportunity to recover and find a better life, and we need to be particularly watchful over the children in the region.

I would reflect upon the comments of the Chief Minister about us valuing our shared community. They are very important words. The thing that I hope comes out of this is that we, as a community and as a world community, start to take more notice of those in need, those less fortunate than us. As Dr Foskey said, we in Australia and Canberra were looking at this through the glow of a successful Christmas well spent with our families. The enormity of what has happened has come home to us as a stark contrast to the way the average Canberran spent Christmas. I hope that having this depth of human suffering in our living rooms over an extended time makes us more aware that there are disasters in the world.

This was a huge natural disaster that happened in a matter of seconds to a number of people but around the world every day disasters are happening that we have not been sufficiently attuned to. The Chief Minister alluded to famine, drought and disease. I hope

that our appreciation of what has happened in the South Asia region will increase our appreciation of the needs of the people in the third world generally. I hope we will not get tired of giving and tired of being concerned about people who are much less well off than ourselves. Aid agencies across the world have raised the concern that every day in Africa thousands of people die from AIDS, water-borne diseases and other preventable diseases.

It is not just happening in Africa, it is happening on our doorstep. For instance, according to AusAID, Papua New Guinea is facing a huge epidemic of AIDS with up to 40 per cent of the adult population expected to contract the disease within the next 20 years. When we are concentrating on those less well off than ourselves, I hope we keep before our eyes the fact that we are the privileged few in the first world. We have huge responsibilities, not just for tsunami victims and not just in January and February 2005; we also have an ongoing commitment to those people and an ongoing commitment to the people in the third world who suffer unimaginable horrors every day.

MRS BURKE (Molonglo): Many people in this place have said similar things but the least we can do is honour those people who unfortunately lost their lives on that day, and honour their families, particularly those in the Canberra community who are grieving and suffering loss at this time. I thank the Chief Minister for moving this motion today. This natural disaster has been an enormous wake-up call to us all. It has shown us how frail human life is and how what we count as important pales into insignificance. The enormity of the disaster really shows us how small we are in the big scheme of things. The Chief Minister and others have spoken about unity. Each of us has experienced a feeling of grief. Grief is a process that we each work through in our own way and in our own time. Perhaps today is a way for some of us to put that grief behind us and move on.

No-one can deny the tragic events of 26 December 2004. They will be indelibly printed on the minds of people affected by the tsunami across the Indian Ocean countries of Asia for some time to come. All of us in this place have been moved by the graphic images in our faces. Different things stick with different people. What sticks with me most of all, amongst many interviews I heard, was one person watching the bodies rushing past him in the water. He said he felt so desperate and helpless agonising over what was a head and what was a coconut. Imagine being put in the dilemma of the woman having to let a child go to save her other child—thank God they were reunited some time later. They are among the stories of human endeavour. We can take some good out of this. The Chief Minister put it very succinctly and very well—as have others: it has brought us together.

We should note that Australians led the way with initial aid contributions. We do not want to big-note ourselves on that, but it shows the massive hearts of Australians and our community. The generous level of cooperation that has been extended and the donations made to various appeals are sound indications that Australians do display compassion and reach out to their neighbours in time of need. I also agree with my colleague Mr Mulcahy. One thing we were very aware of in the early days, unfortunately, was people out there doing the wrong thing. It is reassuring to see AusAID staff endeavouring to check credentials of various organisations set to receive funding from the Australian assistance package before those moneys are released. People are continuing to give on the basis that they feel confident and secure.

It is worth noting again at this point that Australia's commitment of \$1 billion over five years to the Australia-Indonesia partnership for reconstruction and development is the largest single aid package in Australia's history. So, we can all be very proud of the fact that we have done what we can. We may not be over there on the streets of Banda Aceh or wherever, but we can still continue to support and give. Mr Quinlan spoke of frustration amongst us because we feel we should be doing more. Dr Foskey talked of feeling guilty. Obviously these emotions are quite natural human feelings. We all have an opportunity to continue to give financial aid, as Mrs Dunne said. Most of the bigger supermarkets have little pots. Just put in whatever you can, every little does help.

I am so proud to say I am an Australian, and I am so proud to say that as a nation we have, per capita, eclipsed many larger countries with our generosity, and continue to keep giving. Our generosity has been shown by the number of individuals and corporations who have made one of the largest single donation efforts to various appeals in Australia's history. The dedicated efforts of non-government organisations should also not be overlooked as they continue to raise funds over the long term. This will assist sustainable projects bring real benefits to the people affected by this tragedy. It is particularly enlightening to see all organisations and governments involved in recovery and rebuilding efforts continue to put a concerted and united effort into ensuring that the most targeted forms of aid and logistical assistance are placed into the areas of most need. This tragedy crosses and transcends all political boundaries, and I acknowledge the Chief Minister's remarks in regard to the bipartisan support shown at a federal government level.

I hope that ongoing support and direct recovery assistance can continue on the ground in all the countries affected, but particularly in India, Indonesia, Sri Lanka, Myanmar and Thailand, so that the people who have lost families and friends can continue on the path of rebuilding their lives and communities. I offer my condolences to all family members and relatives. I pray for God's blessing upon them at this time so they have peace, and that they too can take courage in knowing that if they live in Australia they live in one of the most giving and compassionate nations in the world.

MR SESELJA (Molonglo): I echo the sentiments expressed by members of this place this morning. The events of Boxing Day and the subsequent impact on so many of the world's population would seem to be unparalleled, certainly in my lifetime, and I hope it is in the lifetimes of those who come after us. During my preparations for debate on this motion I had cause to speak to representatives of a number of embassies and high commissions here in Canberra about the way that the tsunami had affected the daily lives of their citizens. I am aware that there are approximately 2,800 members of the Sri Lankan community in Canberra, some 700 Indonesian residents, 200 Malaysians and 1,500 Indians. This is just a small representation of the effect the tsunami has had on our Canberra community. Our thoughts and prayers have been with them during this time of grief, mourning and anguish. Let us not forget that many members of these communities residing here in Canberra have been personally touched through the loss of friends and loved ones. For some, there may still be the uncertainty of not knowing exactly what has happened. Some may never know.

Australians have been assisting in a practical sense through the provision of clean water, facilities for schooling, hospitals and other essential services we probably take for

granted here in our city. It is also about assisting them in the rebuilding of their communities and helping them to overcome the enormous challenges they will face in the coming years to return to their previous way of life. It is also a major opportunity to improve the standard of living for many of these nations, an opportunity for those nations more privileged to offer an improvement to the lives of some of the most populous nations on our planet. It is a prime opportunity that all nations should take.

I also pay tribute to a good friend of mine, Paul Flack, who I know is in Thailand at the moment assisting in the rebuilding of homes in the Phuket region. Like many other current and former Canberrans, he is assisting in any way he can. Canberrans have been incredibly generous in donating money, goods and services to the nations affected and much more will be needed over the following years. I hope that all Canberrans can find ways to contribute, however little, on an ongoing basis. We pay tribute to all nations touched by this tragedy, which, unfortunately, are too numerous to list. It would seem that just about every nation on earth has been affected by this event. To all people affected we express our sorrow and our support, and we pledge every assistance possible.

Question resolved in the affirmative, members standing in their places.

Death of Mr Adam Dunning

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): I move:

That this Assembly expresses its sympathies over the death of Protective Services Officer and Australian peacekeeper, Adam Dunning, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Three days before Christmas, Canberra was shocked by the news that we had lost one of our own, when a hidden gunman prematurely ended the life of a talented young man while he was far from home. At the time of his death, Adam Dunning was serving as part of Australian peacekeeping operations in the Solomon Islands, helping one of our regional neighbours to achieve peace and stability. The fact he was on a mission to create peace makes this violent death much more difficult to accept. To Mr Dunning's parents, Christine and Mike, to sisters Sarah and Emma and his partner, Elise Wiscombe, we offer our sincere condolences.

Mr Dunning attended Monash Primary School, the former Padua High School and Erindale College. He was a popular young man and attracted many friends, who continue to mourn his loss. He was a man of many talents, studying electrical engineering in Brisbane, and was a keen sportsman. Mr Dunning began his career in the military in 1995 when he joined the Royal Australian Air Force cadets. Three years later he was accepted into the Airfield Defence Guard and became a permanent member of the Royal Australian Air Force. His qualities as a natural leader shone through during his military training and these skills were further enhanced when he was posted to East Timor as part of Australia's contribution to the United Nations mission. I understand Mr Dunning's unit was amongst the first wave of deployments, and its primary duty was to secure Dili airport. In Mr Dunning's valedictory, Australian Federal Police Commissioner, Mr Mick Keelty, said:

During his time with the United Nations, Adam developed a personal passion for the work of the organisation, seeing it as an opportunity to help others less fortunate than himself.

This is the side of Adam Dunning we have heard much of since his death—his caring nature and his respect for other people. In 2003 he joined the Australian Protective Service, which had just become an operating branch of the Australian Federal Police. He began his duties with that organisation at federal parliament. In October 2004 he received another opportunity to serve overseas with the Australian Federal Police as part of the Regional Assistance Mission to the Solomon Islands, known as RAMSI. The RAMSI mission has been widely praised for its impact on the Solomon Islands and its people. The statistics are staggering, with thousands of weapons seized and thousands of arrests made and charges laid in an effort to stamp out violence and corruption.

During his valedictory speech, Commissioner Keelty recalled an incident where Adam Dunning disarmed a man carrying a pistol—which turned out to be a replica—near the Honiara Magistrates Court. The commissioner praised Adam's ability to quickly and efficiently defuse the situation in front of a crowd of onlookers. Adam Dunning was awarded a commendation recognising his efforts. On 22 December the cowardly act by a gunman took away a life full of potential. The death of Adam Dunning is also a significant loss for the people of the Solomon Islands, who are pushing for peace in their nation. I hope his loss will further inspire Solomon Islanders to hold steadfast in their vision for a better life. In many nations around the world Australians are putting themselves in harm's way in the hope of bringing stability, democracy and peace to these host nations.

Adam Dunning's family can take comfort in the fact that the nation, and this community in particular, mourn with them. This was no more evident than when hundreds of Canberrans lined Anzac Parade to farewell him as his funeral cortege passed. As the Solomon Islands continue down their road to reform, its people will certainly remember Adam Dunning as one of the heroes who helped them along the way.

MR SMYTH (Brindabella—Leader of the Opposition): Mr Speaker, on behalf of the opposition I also wish to extend our condolences and best wishes to Adam Dunning's family—to his parents, Michael and Christine, and his sisters, Sarah and Emma, to his girlfriend, Elise Wiscombe and, in particular, to his AFP colleagues—those still serving in the Solomons and those here in Canberra—and his former colleagues of the Royal Australian Air Force.

Adam Dunning was an Australian and a Canberran. He was proud of his service to his country, first in his defence force role and then as a police officer and, I think particularly, in his role as peacekeeper. His commitment, his bravery, his resourcefulness and just his general caring for his colleagues comes through in everything that I have read about him. One of his friends, Paul Stewart, said, "Adam was the kind of person who would give you the shirt off his back if you asked him. He was that sort of guy." That was the sort of tribute that just flowed from everyone who had either met Adam or knew of him. His participation firstly in Timor and then in the Solomons is an indication of a young man who had a much bigger view of the world, and he will be remembered for that.

We cannot know the loss for the people he has left behind but we send our condolences to them. His mother said that her son was a man with strength, great courage and a kind heart, and was intelligent and hardworking. She said what I think is the nicest thing you can say about somebody: “We have always been proud of Adam”. His partner said: “He left an imprint on all who knew and loved him.” And I am sure that that is true.

On behalf of the opposition, I thank the Chief Minister for moving this condolence motion today and we join him in acknowledging a young Canberran, someone who grew up in our suburbs, attended our schools, probably shopped with us in our shopping centres and probably travelled on the buses with us—just an ordinary Canberran going about his life, going about his job, the job that he loved, but an ordinary Canberran who actually made a difference, who has helped to change, at least in two parts of the world, something sad to something much better, and someone who should always be remembered by his city.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services): I rise today to extend my sincerest condolences to the family of Protective Service officer Adam Dunning, who was tragically killed while on duty in the Solomon Islands in the early hours of 22 December 2004.

Adam Dunning joined the Royal Australian Air Force cadets in 1995. I am told that, even at this early time in his life, Adam’s outstanding service was complimented and his positive attitude noted. This work took him to East Timor where he developed a passion for helping those less fortunate than himself. In March 2003 Adam joined the Australian Protective Service and was deployed at the parliament of Australia. Again, Adam demonstrated enthusiasm for his work and, I am told, was a popular member of his team.

In 2004 Adam commenced duty as part of the Australian Federal Police contribution to the Regional Assistance Mission to the Solomon Islands, better known by its acronym RAMSI. RAMSI is contributed to by 11 participating police forces in the Pacific region and is an initiative of the Pacific Islands Forum. The people of the Solomon Islands readily acknowledge that they have benefited greatly from the presence of RAMSI personnel.

Adam quickly adjusted to the work of the mission and life in Honiara. On 18 November 2004 he was awarded a commendation in recognition of his efforts in disarming a male person carrying a replica pistol in the precincts of the Honiara Magistrates Court. I am told he reacted with great poise in taking control of the situation.

In the early hours of 22 December 2004, Protective Service officer Adam Dunning was on a routine patrol in Honiara with a colleague, protecting the Prime Minister’s residence and the Governor-General’s residence. At 10 minutes past three in the morning, while continuing his patrol, Adam was fatally wounded by a gunman by the side of the road.

Adam continues to be an outstanding role model to all young Canberrans and, indeed, Australians. He was a dedicated, capable and committed young officer who led by example in everything he did.

Like Mr Smyth, I recall some of the things that were said about Adam Dunning at the state funeral that he received at Duntroon. I think it was very fitting that Adam Dunning received an honour because, in fact, he paid the supreme sacrifice, putting himself between danger and the person that he was charged to protect. Nothing more could we ask of our law enforcement and Protective Service officers than that they do that.

I am reminded of what was said, I believe the night before he died. He was with one of his friends, out having a drink as young blokes are wont to do—have a couple of sherbets and wander off. His last thought was for his mate; he wanted to make sure his mate had enough money left at the end of the night to get home safely. Most of us in our youth would have had occasions like that; there is usually one person in our group who just keeps a little weather eye out for the rest of us—and the person in that group was Adam Dunning.

It speaks volumes about his parents, about his family and about his community that they gave us somebody like Adam Dunning. I pass on my condolences to Adam's parents, his family and his partner, who live here in Canberra, and I commend his parents on raising such a dedicated and respected young man who died prematurely at the young age of 26. He will be sadly missed.

The tragic death of Officer Dunning is a stark reminder to all of us of the dangers faced by all our law enforcement professionals, whether they be helping people overseas or patrolling the streets of the ACT. I extend my thanks and respect to all those police officers who risk their lives to help protect ours.

I would like to close by saying that we in the ACT enjoy a police force that is full of people like Adam Dunning because Adam Dunning walked amongst them and he was a hero. We will never forget him.

MR SESELJA (Molonglo): It is with great sadness that I rise to speak on the motion this morning. I had hoped, having witnessed other condolence motions both in the federal parliament and in the Assembly, that I would not need to join one of these motions for some time. A number of incidents around the Christmas period have unfortunately necessitated the motions this morning.

At a time when most Canberrans were preparing to celebrate Christmas with their families, Adam Dunning was shot dead on 22 December 2004 while serving with the Australian Federal Police as part of a peacekeeping mission in the Solomon Islands. He was 26 years old. Adam is survived by his parents, Michael and Christine Dunning, his sisters, Sarah and Emma, and his girlfriend, Elise Wiscombe. Mr and Mrs Dunning wanted to be here in the gallery today but were unable to attend. They have, however, provided some of their memories of Adam for our reflection and our celebration of the contribution he made.

I would like to personally express my condolences and, I am sure, the condolences of all members here and of the Canberra community for the loss which has been suffered by the Dunning family as well as other loved ones and friends of Adam Dunning.

Adam Dunning and his family moved to Canberra when he was almost two years old. The family lived in Florey for a short period and then moved to Monash, where they live to this day. Adam attended Monash primary and Padua Catholic High before attending Erindale College in Wanniasa.

As a teenager Adam was a member of the air training corps, which is now known as the air force cadets. In 1998 Adam joined the air force, where he held the rank of aircraftsman. He was part of the air force ground defence also known as Aggys,. Adam was the dux of his intake.

Adam was deployed to East Timor and was on one of the first planes on the ground. He remained there until the handover to the UN and remained in the air force until 2001. After coming out of the air force, Adam joined the Australian Protective Service, which is an arm of the Australian Federal Police. He was deployed to the Solomons in mid-October and was due back in mid-January. One of the things Adam did while on deployment in the Solomons was to conduct boxing lessons for the Honiara police.

While in Honiara, Adam received a commendation for his work in defusing a situation where he was alone and confronted by an armed man. The Chief Minister has already spoken about this incident. Adam drew on his experience and non-violent attitude and talked the armed man into handing over his weapon. I am told that this was typical of Adam: he was a person who never set out to harm people. Adam's father spoke to me of a gentle giant: a man who knew how to look after himself and was certainly no pushover but also a man who did not like violence.

Two of Adam's passions in life were riding motorcycles and practising the martial arts. He practised aikido and ju ju kan during his childhood and teenage years and later on he taught kickboxing at the Erindale Police and Citizens Youth Club. Adam took this role very seriously and found that teaching kids discipline, self-defence and not violence helped them develop a sense of self-worth. He was particularly concerned that the skills he taught be used only for self-defence.

The death of Adam Dunning was a tragic event. When I first heard the news reports, what first struck me was Mr Dunning's relatively young age and, later, the links that he and I shared. I attended Padua with Adam and his sister Sarah. Sarah was in my year and Adam a year below. I grew up a suburb away, in Wanniasa. I attended the same PCYC where Adam taught kickboxing. These links brought home to me the reality of this tragic death. Having never lost anyone in my immediate family, it is impossible for me to fully appreciate the effect of such a loss. Having sons of my own, I can only imagine the anguish that losing a child would cause.

The other thing that struck me when I heard of Adam's death was an overwhelming sense of gratitude for people like Adam, who put their safety at risk for the good of others. I would like to say this to the Dunning family: Adam died doing good; he died helping to restore order to the Solomon Islands after the serious turmoil that that nation has suffered. I hope that this fact can bring some comfort to you in the midst of your great sorrow.

The cowardly act which caused Adam Dunning's death should not be allowed to overshadow the worthiness of the work that Adam and other Australian peacekeepers were and are still performing in the Solomons. This work has led to a much more peaceful Solomon Islands, which is of great benefit to its people and to the Pacific region as a whole.

We should also remember the many other Canberra families who currently have loved ones overseas. We pray that the tragic circumstances that have impacted so greatly on the Dunning family touch no other families; that members of our community return safely.

I would like to conclude by again offering my condolences to Michael, Christine, Sarah and Emma Dunning, to Elise Wiscombe and to all of Adam Dunning's friends, relatives and colleagues. His contribution will not be forgotten.

DR FOSKEY (Molonglo): I also want to support the condolence motion for Adam Dunning but I do not wish to repeat any of the things that have been already said today. I have really appreciated the opportunity to hear about Adam's life, because I did not know him. I just want to say that when somebody dies, especially a young person, we look for reasons why. In this case, it was such a random event and there was no reason why it was Adam.

I want to put it in the context of the fact that the Solomon Islands people are on the whole deeply grateful for Australia's work there and for RAMSI's work. There have been a couple of surveys: one six months ago, which showed an approval rating of 94 per cent just after the troops landed, and another six months later when this approval rating had decreased a little but still remained high.

We think about what it is that makes somebody turn on someone whose intentions are so good and who is just about to bring peace to that very troubled place which did need outside intervention to help it solve its problems. I just want to read one very short excerpt from an article written by John Roughan, who belongs to the Solomon Islands Development Trust, when he reflected on the death of Adam:

The death of Adam Dunning, the Australian Federal Policeman gunned down last week in East Honiara while on an early morning routine patrol, cries out for explanation. ... Authorities are now asking why has this happened? With almost 18 months of peaceful transition under its belt, the country seemed like it was quietly but surely on the road to recovery.

Thousands of guns had been collected, some of the country's worst criminals were securely held behind steel bars and people were enjoying a peace that they once enjoyed.

He goes on to say that over the 18 months some people have, however, seen their daily grind change very little. They have seen the costs of many of the items they need for living rise. Nonetheless, most Solomon Islanders are still watching the elites of their country doing extremely well, as they did before the intervention of RAMSI, and, although they would not turn up their noses at the development parity of those elites, they would gladly trade their back teeth for a little bit of the basic life—peace, peace and more peace, progress in education, working clinics, strong local markets, adequate

affordable transport, growing communication links and, with these firmly in place over a number of years, prosperity. Let us remember that for them prosperity means the ability to buy modest amounts of the luxury items of soap, sugar, kerosene and clothing.

Adam contributed to this project and I am absolutely sure that that is why he believed he was there. His work has brought peace to the life of the islanders, and for this reason his loss is a tragedy. I extend my very deepest sympathy to his family and all his loved ones.

Question resolved in the affirmative, members standing in their places.

Death of Mr Charlie Pahlman

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): I move:

That this Assembly expresses its deep regret at the death of Charlie Pahlman, Deputy Director of the ACT Council of Social Service and Greens candidate for Molonglo in the 2004 ACT election and a committed social justice advocate and a very respected and valuable member of the Canberra community, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Pahlman was a committed social justice advocate and a very respected and valuable member of the Canberra community. He died tragically during a family holiday to Western Samoa on 19 January 2005.

Charlie Pahlman will be sadly missed by his partner, Pam Boyer, his children, Tina and Kari, their mother, Christine Pahlman, his parents, Anna Lena and Ragnar, and his brother, Andrew. He will also be missed by his colleagues at the ACT Council of Social Service and the ACT Greens.

In a tribute posted on the Charlie Pahlman Memorial web site, a friend reflected on Mr Pahlman's commitment to his passions. She said:

Charlie was a man of honesty and integrity. He did not just support various campaigns for environmental and social justice from the edge—he immersed himself in them and gave his skills, his time and his energy wholeheartedly. He lived his commitment in a way few ever do.

Charlie Pahlman was born in Sweden in 1960 and moved to Australia at the age of 10. During his life, he gathered many and varied experiences, which all served to fire his passions for social justice. He did everything from farming avocados on the New South Wales North Coast and becoming a stock rider on a cattle station in Queensland to even running a vegetarian cafe on the Hawkesbury River.

In the mid-1980s his love of travel and adventure took him to Asia, where he developed a passion for the Mekong region and the people of Thailand and Laos. He worked with the people there on the protection of their environment and their communities. Mr Pahlman brought all of these experiences with him to the ACT in 1996 where he took up the position as campaigns director for Community Aid Abroad.

His commitment to social justice then took a more local focus when he became the deputy director of the ACT Council of Social Service in 2001. ACTCOSS director, Ara Cresswell, said in a statement: “his unflagging belief that each community should determine their own future was an inspiration to all who had the chance to work with Charlie over the years”. Another of his passions was for the process of reconciliation with Australia’s indigenous people and he was an active member of Australians for Reconciliation and Native Title.

His love of Canberra translated into his bid to serve the local community through the ACT Legislative Assembly. He was a candidate in the seat of Molonglo for the Greens in the 2004 election. For our Assembly colleague Dr Foskey I know he was not only a running mate but also a cherished friend.

It is clear that Charlie Pahlman touched the lives of many, not only in this community but across the world. I did not personally know Charlie Pahlman, but I observed and listened to him during the election campaign and I liked what I saw and heard.

Charlie Pahlman was an active and valuable member of our community and he will be sorely missed. I again express my regret at his sudden and sad death.

DR FOSKEY (Molonglo): I want to thank Mr Stanhope for moving a condolence motion for my friend and colleague Charlie Pahlman. It is right and fitting that the whole Assembly remember Charlie and note his passing, as I am sure that every member has had something to do with him; if they have not, they soon would have, had he not died.

Our hearts go out to Charlie’s family and friends and I want to acknowledge that today we have a number of them here: Charlie’s partner, Pam, his mum, Anna Lena, Pam’s mum, Marjory, and a number of other friends. You will see that my staff have also joined them, because Charlie was close to us all.

Charlie’s family and friends are a close circle and a spiralling network of thousands across the world. I especially think of his partner, Pam, and his mother and his daughters. I hope that you travel the long and bumpy road of grief assisted by good memories and compassionate friends.

Today I want to speak particularly on behalf of those in the social justice community who have worked with Charlie in the eight years since he came to Canberra, and to briefly outline the work that he did prior to coming to live in our city. In doing this, I want to stress the loss that we have endured as a community and as a world. I wish to emphasise, however, that there is no room for despair and to demonstrate that we will remember Charlie best by keeping his work for social justice going and by taking on some of his open enthusiasm, best expressed in his smile.

Why is it that the death of some people is harder to accept than that of others? Charlie is such a person. The first reaction of most people to the news was disbelief: how could someone so alive die? The second was profound loss. Many uttered the old cliché: only the good die young. That I reject. For one thing, it might discourage those of us who, humanly, would like long lives from behaving with integrity. For the other, it is patently

not true, although, unfortunately, those who seek to behave well towards the earth and their fellow humans are not immortal, as we would like them to be.

The truth is that it is always hard to lose someone we love, especially if that person should, by the law of averages, have years of life ahead of them. Charlie would have been 45 this year. Someone said: “We still expect Charlie to walk through the door. He has been away before and he has always come back before.” Many of us still have emails from him on our desktops. I am very reluctant to delete the last email I received from him. In my diary is recorded a meeting I had with him on some of the community work he was doing just before he left for his holiday in Samoa.

Charlie was a brilliant networker and communicator. In this speech, I would like to tell his story in his own words, reading the bio that he wrote and polished for the ACT election last year, where he stood with Amanda Bresnan and me as a candidate for Molonglo. Thousands of these bios were distributed. I really felt sure that, if people had known the qualities of the man, he would have been my colleague in office as well as on the hustings. These are his words:

I emigrated to Australia with my family when I was 10. After graduating from the University of Western Sydney with a degree in agriculture, I spent ten years in Thailand and Laos, working side by side with local communities to support appropriate economic and social development. During this time I formed a deep commitment to supporting local peoples in their struggles to protect and sustain their livelihoods, cultures and natural resources.

Rivers are a particular passion of mine, and during my time in South-East Asia I learned much about the importance of healthy watersheds and river systems, and how they are the life-line and arteries of our eco-systems. I also worked with local communities and non-government organisations to campaign against environmentally and socially destructive large-scale dams in the Mekong region.

I settled in Canberra in 1996 and currently live in Watson with my children. I have worked with a number of community organisations on social justice, Indigenous rights and environmental issues. In my work with the ACT Council of Social Service (ACTCOSS), I have deepened my interest in and understanding of current social issues in the ACT, especially mental health, housing and disability services.

As a candidate for Molonglo, I bring substantial experience in advocating for a fairer world, and a commitment to working in partnership with people to build a better Canberra. I want to build on the work of the ACT Greens to foster a dynamic and equitable community. I believe that the small size, educated population and relative wealth of Canberra should allow us to do better in terms of social justice and environmental sustainability—if we can’t get it right here, then where?

I first met Charlie when he was a passionate campaigner for Community Aid Abroad, that dynamic people-to-people development organisation, which used to have an office in the Griffin Centre, and a wonderful community development approach both in its local awareness-raising work and with partner groups in poor countries. Being defunded by the national office as it turned itself into Oxfam CAA and breaking its tradition of grassroots organising through local groups forged a close community and certainly

helped cement the bonds between Charlie and his partner, Pam, who met through their work in CAA.

Later I met Charlie again as he worked with Australians for Native Title and Reconciliation. That famous sea of hands owes a lot to him. However, most Canberrans and other members of the Assembly will have met him in his work at ACTCOSS. Here is what Sandra Lilburn, the other deputy director there, had to say about Charlie:

Joining ACTCOSS in October 2001, Charlie Pahlman soon took on the role of Deputy Director (Sector Development) and in this position strengthened the capacity of the organisation to actively support community development in the ACT. Charlie established a distinctive profile as a community facilitator within the sector and worked tirelessly as an advocate for community determined action. His unflagging belief that each community should determine their own future was an inspiration to all who had the chance to work with Charlie. Through his work Charlie Pahlman was able to translate his belief into practice and provide many groups and community based organisations with the resources and skills they needed to set and achieve their future goals.

Through his leadership, the ACTCOSS Sector Development team has helped many organisations in the ACT to translate their passion and commitment into a clearly formulated organisational plan and map out a sustainable future. One of Charlie's greatest legacies can be seen in the numerous groups and community based projects that have reached their potential and thrived under his friendly guidance.

As Deputy Director at ACTCOSS, Charlie's commitment to the ACT community was demonstrated by his efforts to regenerate the Community Development Network ... his particular dedication to organisations in the mental health and HACC sectors, and his facilitation work for the Indigenous Housing Forum. His broader interests and activism served to extend his effectiveness in his work at ACTCOSS and gain him respect in the ACT community sector.

And then, in December 2003, we were both preselected to be the Greens lead candidates for Molonglo. If ever there was a case for the way Greens do politics differently, our 2004 election campaign was the exemplar. Politics is by its nature competitive—but Charlie and I worked as a team, putting collegiality and cooperation before politics. The process was as important as the outcome for both of us, dyed in the methods of community development as we both were. We acknowledged each other everywhere, we met weekly, then daily, we gave out each other's material, we rang each other up and we attended community meetings, car-pooling as friends do.

When I went into hospital with a sudden illness, Charlie sent me a huge bunch of flowers and rang to check on my progress. I grew so much through this campaign and I am a better member for having seen how Charlie's smile could light up the world and move people to seek the best outcomes.

Charlie's family and friends have set up a web site where people may read and add their tributes to Charlie's life. You will find it at www.charlie.pahlman.com. From the many tributes, I have taken one which describes the way Charlie worked, from someone who knew him well: as my closing word, it is Charlie's lesson for us all, because a life like his must not be allowed to end; it must continue in our work and our relationships with others.

Prue Borrmann, whom many of you will know, wrote this:

I first met Charlie when he started work at ACTCOSS. He came out to visit me at the Health Care Consumers Association office at the Pearce Community Centre and we talked about the health consumer movement and how he came to be working at ACTCOSS. He took time to understand where I was coming from and I found an instant ally. He embraced and challenged my ideas and we started to work together to broaden the involvement of health consumers in the community in a couple of areas through ACTCOSS, something I had wanted to do for some time.

I felt far less isolated as a sole worker in one of the many community organisations in the ACT and was very pleased to work with Charlie who picked up and worked with my enthusiasm. He had great respect for others.

That's what Charlie did so well, he saw the big picture, drew the threads together and then worked actively to create and build connections.

I valued his sharp intellect, the challenges, insight, warmth and vision, his inclusive approach to everything: in a nutshell his courage and leadership.

In between sadness and disbelief at Charlie's passing I have also had a very strong sense that Charlie is OK. That the strength of his spirit continues to connect with all that knew him. He connected and will continue to connect so that we work for a fairer, just and more loving world.

And so we do.

MR SMYTH (Brindabella—Leader of the Opposition): On behalf of the opposition, I extend our condolences and best wishes to Charlie's mother, Anna Lena, who is with us this afternoon, to his brother, Andrew, in particular to his partner, Pam, who is with us, and her mother, Marjory, and from his first marriage his wife, Christine, and in particular his children, Tina and Kari, and to all his friends and those who mourn Charlie's passing.

In many ways Charlie is somewhat the Australian story. He came here as a migrant at the age of 10 and in a few short years managed to cram in an education at Hawkesbury Agricultural College, went jackarooing and was an avocado farmer, a restaurateur, an aid worker, a deputy director at ACTCOSS and many other things.

When I got the phone call early on Saturday morning, it actually came from a member of the mental health community who had heard the rumour and asked if I could verify whether or not Charlie had died. After making a few phone calls, it was quickly apparent that he was dead. It was the number of people who wanted to know so quickly and who were so concerned about Charlie and about his family that really shows the sort of tentacles that a man like Charlie Pahlman had into his community: he was well and truly anchored here.

What can you say about the man? As has been said, he was a deputy director at ACTCOSS, he was a political candidate, a tremendous family man, a good bloke. I think a measure of the man is the way that he arranged his personal affairs. Charlie had been married to Christine. He had met Christine in Thailand, where they had married and had two daughters, Tina and Kari. But when that had not worked out, he remained close

friends with Christine. I know this through other relationships that I have with people who knew Charlie and his family. Even on the day he died, Charlie and Pam, Charlie's kids, Tina and Kari, Pam's daughters, Rebecca and Bella, Charlie's mother, Anna Lena, and Christine, were all there in Samoa. Not many of us are able to arrange our personal affairs in such a way and I think the way he worked at that, his personal life, is truly a reflection of the man.

If you want a reflection of how his community held him, you have only to visit the Charlie Pahlman Memorial web site. I am not aware of many web sites that are set up in people's honour when they die, but this is clearly one that has been well visited and well cared for. I would encourage members to visit the site themselves and read the various stories there. You can feel the genuine affection and love that his family and friends had for Charlie.

There is also a tribute to Charlie in the foyer at the ACTCOSS headquarters in Jamieson House up on Constitution Avenue—something I have not seen before. There is a small memorial in the form of a rug and on it there are some photos, some flowers, candles, cards and people's reflections. Again, that depth of emotion that people are willing to show for Charlie is a real tribute to the man he was. If you are passing ACTCOSS headquarters in Constitution Avenue, just duck in and pay your respects, because it is still there and I suspect it will be there for some time to come.

I ran into Charlie through his work in mental health, through his work as director of ACTCOSS and particularly out on the hustings. I think the way he behaved on the hustings was an example to all of us. He was always willing to have the argument, he was always willing to stand by his convictions and his belief, but was always willing to allow other people to have their say and then join with them in a conversation or a discussion on how his view was perhaps better or stronger and why we should change ours. I will always remember Charlie for being willing to have a go and never giving up. Certainly, his sharing and generosity come through in what other people have said about him, and I think ultimately what you can say about him is that he was a good bloke and a great Australian.

MRS BURKE (Molonglo): I would like to thank the Chief Minister for bringing forward this motion this morning. I rise to pay my sincere respects to a man I hardly knew but a man who made you feel like you had known each other for years. I acknowledge members of Charlie's family in the chamber there. Thank you for being here today.

I was just bowled over by this person who bowled people over; he just did that. He would bound into the room before election time at forums, sleeves rolled up, always rushing, hat down—sometimes hat on—ready to go: "Right, let's get into it."

I remember one particular occasion over at the ACROD election forum when Charlie was under attack from other candidates at that stage. He had got a few of these election forums up his sleeve and was getting used to the attacks of: "Ah, but where's the money going to come from?" He stood up this time and said, "Well, perhaps we may never hold the chequebook, but it won't stop me or the Greens from lobbying those that do" or words to that effect—and that was Charlie.

I indeed too was very touched by his web site. It is funny how in life people whom you hardly know can have this impact upon you, but evidence of that was what I can only call the celebration of life, joy, freedom and liberty in the memorial service that was held for Charlie. It was literally standing room only. I was just so taken aback. It was the depth of this human being that was able to permeate the lives of everybody and any organisation he worked for.

I also stand here today on behalf of Liberal colleagues for Molonglo Zed Seselja and Richard Mulcahy and indeed all other Liberal candidates for Molonglo who stood in the election. They would often comment: "Who is this Charlie? What an exceptional guy." As Dr Foskey has said, it was interesting that so many people thought Charlie's approach was such a refreshing one in life—so different. He would transcend the boundaries of politics. I had probably three or four really good discussions with Charlie. Immediately you could get the heart of the man, and that is really a credit to his parents, to his former wife and to his partner, Pam—to many people, too many to mention but they know who they are. I was just taken aback by the stunning daughters and the musical gifts that that family have. Keep on the music; that was great.

This was a man who would turn around in my life the phrase, "How are you going?" He really wanted to know; he really did care about how you were going. I know Dr Foskey wrote that, and it is on the web site. But it is so true. When I read that, I said, "Yes, that's right." Charlie would come into a room and it was eyeball to eyeball, "How are you going?" You could tell it was not just, "How are you going? See you later," as often many of us do. Charlie meant it. He wanted to know you. He wanted to know about you and your life.

This statement on his web site really epitomises him:

... I formed a deep commitment to supporting local peoples in their struggles to protect and sustain their livelihoods, cultures and natural resources.

That, from what I have heard, was the life of Charlie Pahlman. He was there. He wanted to be there for people. He had this deep commitment.

Charlie's death was tragic, but he had a passion for water, and I can relate to that. I am a water baby too. I read on the web site about Charlie paddling around and he was so happy. I think he died in a place where he was most at home, in the ocean. You can read for yourselves the words that are written on the web site about that.

I am sure that wherever he is now Charlie will be advocating a fairer world. Charlie was, in the short time I knew him, a person of sincerity of heart. There are not a lot of human beings that you can often say that about. I pay my sincere respects and offer my sincere condolences to his close family but know that Charlie has sown seeds of greatness into his children and that from that we will see Charlie Pahlman living well in our community. Charlie, you did permeate your whole being into everything you did. Charlie, your memory lives on. God bless you, my friend.

Question resolved in the affirmative, members standing in their places.

Death of Mr John Dainer

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): I move:

That this Assembly expresses its deep regret at the death of John Joseph Dainer, who, before his retirement, held the position of Special Magistrate in the ACT Magistrates Court and had a distinguished career in the Royal Australian Air Force, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Before his retirement, John Dainer held the position of special magistrate in the ACT Magistrates Court and had a distinguished career in the Royal Australian Air Force. John Dainer, or JD as he was affectionately known, passed away on Saturday, 5 February after a long and courageous battle with cancer. He will be sorely missed by his wife, Elizabeth, his children and their spouses—Chris, Debbie, Michael and Anna—and his six grandchildren.

John Dainer had a long and fulfilling career in the legal sector in the military. He was a well-liked and well-respected member of the bench and the local legal fraternity. His career began in 1947 when he joined the New South Wales Police Force. He served in both country and metropolitan police stations as a general duties officer and in the scientific investigation team.

In 1955 he began his law studies and was admitted as a barrister in New South Wales in 1960. Just under a month later he was appointed to the Royal Australian Air Force Special Duties Legal Branch and a year later transferred to the Department of Air in Canberra.

In 1963 he took leave from the RAAF to take up a three-month position as assistant to the registrar of the ACT Supreme Court. Deciding to pursue a legal career as a partner in the law firm Gallen, Kelly and Dainer, he resigned from the permanent air force and took up with the RAAF general reserve.

In 1966 the Australian involvement in the Vietnam War grew significantly, and in October of that year Mr Dainer rejoined the permanent air force and served in Butterworth, Thailand and in South Vietnam, as it was known then. He was awarded the Vietnam Medal and a Return from Active Service Badge and returned to Canberra in 1969, where he again resigned from the permanent air force and again joined the reserve.

He also took up a position with Minter, Simpson and Co solicitors and joined the ACT Legal Reserve Panel. During this term he worked as a solicitor and barrister in the ACT courts. In 1973 his commitment to justice was rewarded when he was appointed to the ACT Magistrates Court and took the oath of office in front of the then Chief Justice Russell Walter Fox. He continued his service to the RAAF reserve, and in April 1985 was awarded the Reserve Force Decoration and was appointed a defence force magistrate. Magistrate John Dainer was awarded a Member of the Order of Australia in 1988 for his services to the RAAF specialist reserve as a reserve legal officer.

At the age of 65, Magistrate Dainer retired from his position in the Magistrates Court but was then appointed a special magistrate and continued serving the ACT and the bench until 1998, when he reached 70 years of age. For the last five years on the bench he lent his expertise to the bulk of the coronial work in Canberra. Even after his retirement from the bench, John Dainer continued to sit on the Federal Police Disciplinary Tribunal, a role he served in from 1994 until 2000. He presided over his courtroom with a strong and steady hand. He showed compassion and understanding for his fellow human beings, both the accused and the defendants. His colleagues remember him for the way he treated with respect and dignity everyone who came through his court.

Many of the court staff and fellow members of the bench regarded JD as a good friend and he continued to keep in touch and play a part in their lives after he retired. John Dainer's contribution to the legal system in the ACT made a positive difference to the lives of many and I again express my condolences at his death.

MR SMYTH (Brindabella—Leader of the Opposition): On behalf of the opposition, I wish to pass our condolences and best wishes to the family of John Joseph Dainer, to his wife, Bette, to his children and his grandchildren, and offer them our sympathies at this time.

John Joseph Dainer—JD as he was known—had a distinguished career. He had humble beginnings as a railway clerk, then joined the New South Wales Police Force, then became a student. He was admitted to the bar as a barrister, served on and off in the RAAF, both as a permanent and reserve officer, and ultimately, in 1973 joined the ACT courts as a magistrate and as a coroner.

On behalf of the opposition, I would like to thank him for his years and years of service to his community, particularly this city, and for the work that he did in the role as both magistrate and coroner. I will leave it to my colleague Mr Stefaniak, who knew John Dainer very well, to offer some personal reflections, but on behalf of the opposition I extend our condolences to his family at this time.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services): I will be quite brief. I wish to join this Assembly in passing condolences on to Bette and the rest of the family on John's passing. All of my childhood was spent as an air force kid. A couple of the people who passed through my life as an air force kid were John Dainer, and Bette. John and Bette were good friends of my parents.

I have particular memories of evenings at Butterworth when John and Bette actually joined us quite a few times. I was a kid with his nose pressed up against the windowpane at the time, but they were having a great time. So I felt his passing a bit acutely. Those people who have been service kids will know that attachments are not formed and firmed up very often; you do not actually get time in one place to get to know and get attached to people. Within the air force and army life particularly what happens is that, as you pass through the night, you see people and then you become attached to them because you see them so frequently and get to know them. Such was the case with John Dainer and his family and my family.

I just wanted to say that my childhood was affected a bit by the gentle man that John Dainer was, and my young adult life was affected also because he was a magistrate in the town that I chose to make my home.

It is worth recording the compassion that John Dainer brought to the bench in this town. I actually know quite a number of reasonably successful businessmen in this town who came before His Worship Mr Dainer on a number of charges varying from speeding and DUI to knocking off cars and all those things that wild young men do. His compassion and the way in which he treated these young blokes turned their lives around. None of the people I speak of went on to do anything more serious. More importantly, they actually got control of their lives and they are now pillars of the community.

I wish to record my condolences and the condolences of my family and to recognise John Dainer for the very quiet giant that he was within my life and within the community in which I live.

MR STEFANIAK (Ginninderra): Other members have gone through various aspects of the life of John Joseph Dainer, or JD as he was affectionately called by his friends. I would add one thing to his earlier life: I think he left school at 16 to become a junior clerk on the railways, to help out his family. While he was a junior constable in the New South Wales Police Force, he studied at night to become a member of the legal profession. In 1952 he married his wife, Bette, and they of course had Chris and Mike Dainer as a result of that union.

I first met John Dainer back in 1979. I had recently come back from Muswellbrook, where I had spent three years. I think I probably met him in the early seventies through-the sport of rugby union, as both his sons were good rugby players. I recall the first couple of cases I had before one of his colleagues, another reserve air force officer in the legal corps, Wing Commander Nicholls. JD was a wing commander and young Ron Cahill then was, I think, only a flight lieutenant, but they were all serving in the air force legal reserve at the time. I can recall losing the first two cases as a prosecutor and thinking, "This is strange. I thought I was meant to win now, having got used to losing up in the bush as a defence counsel." I started appearing a lot in front of John Dainer, and Mr Hargreaves and Mr Stanhope are quite right about he contribution he made to the legal profession in Canberra.

It was always a pleasure to appear in front of JD. He was always very courteous. He was also a very good, practical, quick and fair magistrate. He had a unique ability to do shorthand and quite often he would embarrass many practitioners, me included, by saying, "No, no, no, that witness did not say that" and he would read out exactly what the witness said. No-one else in court could keep up with the note-taking that JD could do in court through his shorthand.

He brought to the bench the unique experiences that he had gained in life, as a young police officer, in the motor cycle squad especially, as a respected practitioner in private practice before he went to the bench and also those he gained through such pursuits as the Royal Australian Air Force and the sport of rugby union, which he also loved.

I can recall some embarrassing moments on the bench. One was the only time I had a police officer in the box as a witness. It was in the old night court that we used to have then and which JD would always preside over. He loved night courts. None of the others did, but he did not mind. I think it was a disobey a red traffic light offence and I asked the police officer whether he had stopped the defendant at the lights near Fyshwick and the police officer said no. JD asked, "Well, why not?" and he said, "Well that's not the defendant; the defendant isn't the person I stopped," which was a bit embarrassing for us all. Naturally, that matter was very quickly dismissed. Apparently, the poor person who ended up as the defendant had had his wallet taken and stolen by the person who had committed the traffic offence.

Of the number of cases I can recall, one that springs to my mind just epitomises all the great qualities JD had as a magistrate and as a human being. It involved a young bloke of about 19. It was the last case I did before I went to the First Assembly. He faced about 17 charges involving drink driving, driving while licence cancelled, three of assault police, three of resist arrest and a few others. We defended a few of them and he pleaded guilty to the other ones. He was a young bloke going nowhere, who had had some fairly significant convictions in the kids court and was rapidly drifting into what could have been a life of crime. But he had an interest in the services and I am pleased to say that he saw a little bit of sense and his mum and I persuaded him to go off to the recruiting place at Woden, where he expressed an interest in joining the army.

As usual, JD did a very sensible and professional job. He dismissed, I think, three cases of assault police, because they really were resist arrests, and when it came to what would be best for this young bloke he had a bit of a joke about whether he should go into the air force rather than the army. I can recall sort of arguing that point. It worried me a bit, when he thought that the bloke really should go into the air force and not the army, that it might have some dire consequences. But then I think he quickly thought that if the bloke was going into the services that was a very good thing to do. I think he fined him a certain amount of money on each of the offences on which he convicted him and gave him ample time to pay while he went through a recruit course.

That young man's mother saw me about a year after that event and her son was doing exceptionally well in the army, had got through a recruit course, had joined the medical corps, was thoroughly enjoying life and was a completely turned-around individual. I think John Dainer had quite a few success stories like that as a result of the very sensible, down-to-earth, decent, practical approach he took on the bench.

Not only that; he was a man of great compassion. I was a young prosecutor and had been there for about year. I had had the traffic list and the minor criminal list with JD all day and at about 3.45 his court assistant, Nerida, said, "Mr Dainer wants to see you in his chambers." I thought, "What have I done wrong? What have I done wrong here?" although I did not think anything had gone wrong.

It turned out to be a matter in relation to rugby. I was secretary of the club then and one of our players had actually done a very nasty, vicious, behind-play attack on one of John's sons, which had injured him quite severely. Thankfully, he recovered fairly quickly from it, but it shows the measure of the man that JD was concerned about it and wanted to talk about it. I said I would quite understand if his son took any relevant

action, and that he should because it was an unprovoked and very nasty incident. But I think JD was more concerned that the person involved had grown up playing rugby against his son—they had been in junior rep sides together—and he was upset and probably a little bit hurt that it had happened rather than wanting to seek some sort of vengeance. I am not sure what happened as a result of that but, thankfully, the injury was not by any means permanent. I walked away thinking what a thoroughly decent human being this JD was whom I had just started to get to know after the then six months or so that I had been appearing in front of him.

As I said, JD was a great ornament to the Royal Australian Air Force and in fact he received his AM, and of course his RFD, for his service to the Royal Australian Air Force. At JD's funeral, Air Marshall Evans eloquently stated just how he would often ring up JD for advice on air force matters, such was the respect he had for him.

JD was a great raconteur. His life was not all work—there was a lot of play outside of working hours—and he had a wonderful twinkle in his eye and a great smile. He could tell a great story, he could mimic people and he was often very much the life of the party. I do not think he ever got to ride his Harley motorbike around Australia as he had wanted to do when he sought retirement. Bette would not have let him, apart from anything else.

He fought a long and, until the end, largely successful battle against cancer, but finally, unfortunately, he succumbed to that dreadful disease. He was, as I said earlier, a great rugby man. He contributed greatly to the Daramalan Rugby Club in particular, which his sons played for with distinction, and also served on the ACT rugby union judiciary for many years. Farewell, John Dainer—farewell, JD—may you rest in peace, and thank you for all you have done for the ACT and the people of Australia. Lest we forget.

Question resolved in the affirmative, members standing in their places.

Leave of absence

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

That leave of absence be given to Mr Corbell (Minister for Health and Minister for Planning) for this sitting.

Motion (by **Mrs Dunne**) agreed to:

That leave of absence be given to Mr Pratt for this sitting.

Sitting suspended from 12.28 to 2.30 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): Mr Speaker, for the information of members: my colleague Simon Corbell, Minister for Health and Minister for Planning, is not available for question time today. I am more than happy to take questions that might have been directed to Mr Corbell and would seek to assist in whatever way I can.

Questions without notice

Canberra Hospital—accreditation

MR SMYTH: My question was actually for the Minister for Health; so it will go to the Chief Minister. Chief Minister, midway through last year the Canberra Hospital was reviewed by the Australian Council on Healthcare Standards as part of its accreditation process. Minister, why did the Canberra Hospital receive accreditation for only two years instead of the full four-year accreditation?

MR STANHOPE: I thank the Leader of the Opposition for his question. Mr Speaker, I am pleased to announce that in May 2004 the Canberra Hospital was surveyed by the Australian Council on Healthcare Standards and was awarded full accreditation for two years. The Canberra Hospital has maintained ongoing accreditation since 1993. Two years is considered a good outcome for the Canberra Hospital, given that this was the first time that the hospital had been surveyed since the introduction in 2003 of the third edition of the ACHS EQUiP, when 19 mandatory criteria were implemented.

In 2003 the Australian Council on Healthcare Standards revised its EQUiP standards and introduced 19 mandatory criteria. The areas evaluated include care continuum, safe environment and human resource management. TCH met all the continuum care standards that cover the care and services provided to patients. The Canberra Hospital achieved a rating of moderate achievement or better for 70 per cent of the 19 criteria and 72 per cent overall. The Canberra Hospital did not fail any criteria.

The report indicated that improvement was required in some mandatory and some non-mandatory criteria. The ACHS has reported, since the introduction of the mandatory criteria in January 2003, 66 per cent of health organisations undergoing survey have achieved two years full accreditation and only a minority of hospitals achieved a four-year accreditation.

In response to the ACHS report, the Canberra Hospital management introduced a broad quality action plan to address all of the criteria that required improvement. This plan was forwarded to the ACHS in December 2004.

Mr Speaker, I am happy to inform members of the Assembly that work is well under way on implementing the action plan, and achievements are already apparent.

MR SMYTH: Chief Minister, why did your government conceal this limited accreditation from the public? Will you table in the Assembly both the report and the action plan?

MR STANHOPE: The government had no intention to not reveal to the ACT public anything about healthcare and healthcare quality outcomes in the ACT. In fact, to actually put the lie to any suggestion that the ACT government was seeking to cover up the outcomes of this particular process or this survey in any way, it needs to be remembered—and I do not know whether it has been reported—that the outcomes of the survey were provided to all staff at the Canberra Hospital in September last year. The information was conveyed, I understand, through an all-staff bulletin to every single member of staff at the Canberra Hospital. That was in September last year. To suggest

that there was some attempt to cover up or that the ACT government thought that there was something to hide in relation to this really does not stand scrutiny in light of the willingness with which the hospital shared this information with its staff.

In relation to the other point, that is, the request the member makes for the tabling of certain information: I will need to take advice on that. Subject to that, Mr Smyth, I am more than happy to make available whatever information should appropriately be made available to you and other members. But I do need to take advice from the department, you understand.

Bushfires—coronial inquest

MR STEFANIAK: My question is to the Attorney-General. Attorney, under section 57 of the Coroners Act of 1997 the coroner is required to “report to the Attorney-General on an inquest or an inquiry into a fire held by the coroner” or “an inquiry into a disaster” and “may make recommendations to the Attorney-General on any matter connected with an inquest or inquiry, including matters relating to public health or safety or the administration of justice”.

How can you resile from the fact that you are undermining the coroner by appealing against her, and that this constitutes a serious conflict of interest, especially given that you were also a witness to the inquiry?

MR STANHOPE: I reject any suggestion that an attorney-general who authorises essentially an application or an appeal to a higher court from a matter being agitated before a lower court can in any way be said to be undermining a judge, a magistrate or a coroner in that lower court. In the context of my work as Attorney-General I have, and in the context of your work, Mr Stefaniak, as a one-time Attorney-General, you authorised, I am sure, on many occasions, the taking of an application or an appeal to a higher court. You must have. I do not know that as a fact, but it would be rare in the extreme for any attorney-general who served for any period of time not to have given to the ACT Government Solicitor or to ACT officials or legal advisers an instruction to appeal a judgment or a decision or an action. I have done it on many occasions. I did it last year to the Supreme Court in relation to a decision by the coroner Maria Doogan not to release certain documents. At that stage there was no suggestion that the fact that I was party to an appeal to the Supreme Court, in relation to a decision by the coroner and counsel assisting not to release documents, in any way undermined the coroner on that occasion.

What was the result of that appeal or that application to the Supreme Court? Justice Whitlam found the case made in relation to that application well founded. He found that the coroner on that occasion had denied procedural fairness to those appearing before the court. So in August last year we had Justice Whitlam finding against Maria Doogan on the basis of her decision not to release certain documents. He actually found, formally, that she had denied procedural fairness to those nine individuals who were individually represented before the court on that occasion. There could be no suggestion that on that particular occasion there was any desire to undermine Magistrate Doogan. There was no suggestion that the judgment of Justice Whitlam was wrong. He found, as a matter of fact and law, that those individuals had been denied procedural fairness; that they had been denied natural justice.

Let us follow through the logic now, in relation to the present application, of what Mr Stefaniak and the Liberal Party are asserting. We had one precedent in relation to this very coronial inquest, namely an application by parties represented to the Supreme Court in relation to the non-release of documents. And what did the Supreme Court find? The Supreme Court found that a number of individuals had had their rights denied.

Mr Smyth: Including the ACT government?

MR STANHOPE: Well, I cannot recall that.

Mr Smyth: But that's what you just said. You said it a minute ago.

MR STANHOPE: Did I? I will check whether or not the ACT was part of that specific—

Opposition members interjecting—

MR SPEAKER: Order! Interjections are highly disorderly, and responding to them does not help.

MR STANHOPE: I take the point though. An application was made. I will confirm the nature of the ACT government's relationship to the application that was made last August. But that is irrelevant to the point I make. The point I make is that an application was made last year to the Supreme Court in relation to a matter before the coroner, and the Supreme Court found the matter well founded. The Supreme Court found, as a matter of fact and law, that the rights of certain Canberrans had been denied as a result of the actions of the coroner.

So we take the logical next step, the position asserted by Mr Stefaniak, as a one-time attorney-general and a lawyer, that, if you as attorney-general have advice that there are procedural inconsistencies with the way in which a judicial officer is performing his or her duty, you turn your back so as not to be seen to be undermining the individual coroner. This is an absolute nonsense! In other words, Mr Stefaniak would support a situation in which he was advised that there was a real chance that individuals were being denied their right to natural justice and he would think it more important that he turn his back than to ensure that justice was being done.

MR STEFANIAK: I ask a supplementary question. Attorney, how can you say that you do not have a conflict of interest, given the provisions of the Coroners Act that I read out and the fact that some legal practitioners of over 20 years standing say that you actually do have that conflict.

MR SPEAKER: I think there was an accusation in that supplementary question that there was a conflict of interest. Conflict of interest matters are determined by this house. To use language that makes that accusation is, I think, disorderly. I think that is what you were doing; you were accusing—

Mrs Dunne: No.

MR SPEAKER: Conflict of interest matters are determined by this house, by way of a substantive motion.

Mrs Dunne: I raise a point of order, Mr Speaker. The previous question asked the Chief Minister whether he thought he had a conflict of interest. You did not consider that that was unruly—

MR SPEAKER: It was a question that the Chief Minister could answer.

Mrs Dunne: and the question Mr Stefaniak asked was, “How can you say that you don’t have a conflict of interest?”

MR SPEAKER: Well, I think that is closer to an accusation than asking him whether he thinks he has a conflict of interest. I think there is an accusation in it, and to accuse people of having a conflict of interest is disorderly. In any event, if you want to reword the question I am happy for you to put it again.

MR STEFANIAK: Thank you, Mr Speaker, for that; I will reword it. Attorney, how can you say the point that you have just said in relation to the Coroners Act, especially section 57, given the provisions of that act and the fact that legal practitioners of over 20 years standing do believe that there is a conflict of interest situation in that?

MR STANHOPE: I cannot speak for unnamed legal practitioners of 20 years experience. I must say that I am always amused by those who stand up in this place and say: “I know a legal practitioner of 20 years standing. I’m not going to say who he is. I’m not going to tell you who this legal practitioner of 20 years standing is. But he’s got this opinion.” Actually, the opinion is worth as much as the name that you just gave to him, Mr Stefaniak. Anonymous opinions from anonymous people but of 20 years standing—by gee, that is impressive! An anonymous, unnamed, unknown legal practitioner mate of Bill Stefaniak’s from the law school!

Members interjecting—

MR STANHOPE: Actually, is it you, Bill?

Mr Stefaniak: No, practitioners—plural.

MR STANHOPE: “An unnamed legal practitioner of 20 years standing, namely, I, Bill Stefaniak, one-time attorney-general but non-believer in justice, think that there is a conflict of interest here, so you had better take this seriously.” Is he from the ACT?

Mr Smyth: I take a point of order, Mr Speaker. Under standing order 118 (b) the minister is not entitled to debate it; he simply has to answer the question. He is debating it.

MR SPEAKER: Come to the point of the question, Chief Minister.

MR STANHOPE: The point of the question is that the shadow Attorney-General asserts that he has got a mate, who happens to have a law degree—

Mr Stefaniak: Plural, plural.

MR STANHOPE: but he is not going to tell us who he is—and who thinks that I have got a conflict of interest—

Mr Stefaniak: Plural.

MR STANHOPE: Well, Bill, so what? I must say that we have come to a fine old pass when the shadow Attorney-General stands up in this place and tells us about his anonymous mates of 20 years standing in the legal profession who think I have got a conflict of interest. These are Liberal mates, are they, mate? These are Liberal Party rucker-bucker mates, are they?

Mr Smyth: I raise a point of order, Mr Speaker. The minister continues to defy you by avoiding 118 (b); he is debating the question. He has been asked whether or not he has a conflict of interest, and he should answer the question.

MR SPEAKER: Mr Stefaniak referred to some lawyer of long standing—

Mr Stefaniak: A practitioner.

MR SPEAKER: a practitioner, and Mr Stanhope was responding to that point.

MR STANHOPE: I will not delve into the identity of Mr Stefaniak's unnamed, anonymous Liberal Party legal practitioner mates. But let me repeat the fundamental point at issue here. The fundamental point at issue is that I am the Attorney-General. I am the first law officer of the Australian Capital Territory. I have the fundamental responsibility in the Australian Capital Territory for the administration of our justice system. One of my fundamental responsibilities is to ensure the integrity of that system. I had advice from senior counsel, as well as senior officers of my department—those from whom I take advice and whose advice I respect, unlike unnamed Liberal, rucker-bucker mates. I respect the advice and the opinion of the head and the deputy head of the department of JACS. I respect the advice of Queens Counsel and senior counsel, each of whom advised me, separately, that there was cause for concern in relation to the process adopted in relation to certain aspects of the inquiry into the fires. The concern went to whether or not there was a reasonable possibility of a perception of bias being held in relation to certain of the activities of the coroner and counsel assisting.

This goes to a fundamental principle—that justice be done and that justice be seen to be done; the scales of justice not be weighed one way or the other; that anybody with a matter before a court on the day the matter is decided can walk out the door, no matter what the outcome, and say: “Well, that outcome stings me a bit. It hurts me. It goes to my reputation and my credit. But I can't complain. I have no complaint about the process.”

Mr Smyth: But you have a conflict of interest. You are avoiding the question.

MR STANHOPE: I am not avoiding the process at all. The issue is that, as Attorney-General—but actually as a politician, as an individual, as a person—I am

rigorous about the need to ensure fairness and justice in our systems, and most particularly in the operation of our courts. To suggest that I could possibly turn my back on advice that a process was not fair and might not produce justice is simply intolerable.

Mr Smyth: We did not ask you about that.

MR STANHOPE: To think that you as a party, the Liberal Party and opposition in this place, are prepared to stand here and say that you would turn your back on advice that a matter before the court might not be fair is simply staggering to me—that the shadow Attorney-General would stand here and say: “Well, I would have turned my back. I would have walked away. I wouldn’t have minded if a finding was made that justice was not done.”

National Multicultural Festival

MS PORTER: My question is to the minister for community services. Can the minister advise the Assembly of the significant growth and development of the National Multicultural Festival?

MR HARGREAVES: The 2005 National Multicultural Festival has been bigger and better than ever, with 13 days of music, dance, theatre, comedy, lectures and exhibitions. We have had nine international groups come to Canberra, including an American troupe for the first time. The festival has established itself as one of the leading multicultural festivals in Australia. As a result, we have been able to handpick some of the finest performers and artists locally and internationally.

It has been great to see so many Canberrans embracing our multicultural culture. In week one of the festival, it is estimated, 63,000 people participated in events—some of them, I am sure, unnamed legal practitioners in this town. This includes, of course, 45,000 people at the food and dance spectacular last weekend, 8,000 people at the Greek Glendi and Contact Canberra events, and 3,000 people at week one of the fringe festival.

The festival is a fantastic showcase of the finest multicultural acts from Australia and internationally. It has been great to see a doubling of the local acts this year, giving us a chance to show the true cultural diversity that we have in Canberra. It has also been fantastic to have Contact Canberra for the first time this year, with 80 community groups from across Canberra setting up stalls in the city centre.

Canberra is fortunate to have over 2,800 committed community organisations, associations and consumer advocacy groups. If you look around at the rich diversity of these community groups, you will find the very important contribution they make to the social and cultural fabric of Canberra.

In this city there are endless opportunities for participation, fun and friendship, opportunities that can only come from making a connection with others who have similar interests and hobbies. The government wholeheartedly supports such events because we can all benefit from the positive social atmosphere that will naturally blossom in our city from the effective promotions of these and other community-building activities.

Total ACT government support for the festival has gone from \$310,000 in 2004 to \$427,000 in 2005. Private sponsorship also has been strong, with organisations such as the Fyshwick fruit markets, ActewAGL and the Canberra Labor Club contributing significantly. I noticed that the 200 Club gave nothing. Of course, it is a community-based club! I also noticed that there was not all that much from some of the other significant umbrella groups around town. We should be talking to those in the coming months.

I would like to commend the people of Canberra who have come out in droves this year to support the festival. I would also like to congratulate the Office of Multicultural Affairs in the Department of Disability, Housing and Community Services for its dedication in putting this magnificent event together.

One of the interesting things about this multicultural festival is that it has given proof to the real way in which Canberra exists as a multicultural city. In my travels recently I was reminded of how multicultural groups tend to collect in enclaves throughout their cities. You have only to look at a map of San Francisco or New York to see Little Italy, Little Korea, Little Japan and those sorts of things. You have only to go as far as Sydney to see that sort of thing occurring. Melbourne is exactly the same.

The ACT, on the other hand, does not have particular spaces where people will gather as groups, to the exclusion of other parts of town. Our multicultural groups—there are 86 of them—are actually spread throughout every street in town and they are in every organisation in town. In fact, Mr Speaker, we can truly call ourselves a multicultural and diverse city and we can be particularly proud of the way in which we show it off. The multicultural festival is a way to demonstrate to people internationally how we can have truth in unity and diversity and how we really do it. I think that Canberra is rapidly becoming a showcase for how to celebrate the colour of our multicultural groups throughout Australia and throughout the world.

Disability services

DR FOSKEY: My question is to the Minister for Disability, Housing and Community Services, and is in regard to disability services. The minister might like to answer this now or get back to me later. As I understand it, Disability ACT has recently concluded a process of allocating 2004-05 funding for unmet need for disability services. Will the minister please provide the details of the process, including, first, the way successful recipients were determined; second, the number of unsuccessful applicants; and, third, the appeal options and alternative support options for those unsuccessful applicants?

MR HARGREAVES: I will have to get back to Dr Foskey about the detail of this question, particularly in relation to point 2, which asks for numbers. I have no intention of dropping numbers in the Assembly in response to fishing expeditions. However, when Dr Foskey talks about how people receive support, I presume she is talking about the individual support packages. It is not really a case of unmet need. Those people who receive it are examples of met need. Those people who did not receive it are examples of unmet need. I am sure Dr Foskey would be the first to acknowledge that no government will ever have enough money to satisfy all of those people who come forward.

There is a set of criteria to determine urgency. The allocation of these support packages is done by a committee. I will get Dr Foskey a paper showing the constitution of that committee to show the independence of it and the expertise brought to it. I think that is the best I can do at the moment. If Dr Foskey wants further briefings on that, she should contact my office and we will be only too pleased to provide it.

DR FOSKEY: I ask a supplementary question. What is the government doing to identify and address the need for services for people who did not meet the eligibility criteria or who did not apply for personal reasons, such as their perception that they would not be successful?

MR HARGREAVES: I have difficulty answering questions about what people who did not apply were doing. If the people who did not apply because they have a perception of X, Y and Z come forward, naturally they will be considered in the round of individual support packages. Each one of those people who applied for support under those packages and was unsuccessful has been contacted by officers of the department. We regard them as having a need that we have to satisfy. It may be that there are other means or ways that we can address the support that they require. Each case is individual; each case is different.

It is to the credit of the officers of the Department of Disability, Housing and Community Services that they have not—as has happened in past regimes—just said, “Bad luck, you missed out, see you later.” They contact these people, go out and see them, or ask them to come in if it is more convenient, go through their circumstances and try to determine whether there are alternative means of support. We do not, as is implied, merely draw the line underneath the figure and say everybody above that line is satisfied and everybody below the line is not. The people who provide support to these applicants are professional and empathetic officers, and I have every confidence that they will work with these people, families and carers who require packages and will not exclude any organisation that could be brought to bear to assist these people.

Bushfires—coronial inquest

MR MULCAHY: My question is directed to the Attorney-General. I refer to my question to the attorney on December 7. On that occasion, I asked the attorney to advise how much it is estimated the taxpayer will pay to cover the costs of, first, the legal action to compel Coroner Doogan to stand aside as coroner; secondly, the direct legal representation of the government; thirdly, other parties to the action; and, fourthly, the coroner.

At that time the attorney responded with advice that he “did not have that information at his fingertips”. He said, however, that he “would be happy to provide details of the costs”. As he has not done so, can he advise the Assembly when I can expect to receive a reply to my question?

MR STANHOPE: I am sorry that I have not provided that information to you previously. I have it with me today. I will be in a position to table it after question time today.

I think I also—you did not get to this in your question—at the time indicated that I had some figures in relation to the cost of the defamation action pursued against Mr Smyth. I have those figures as well, as well as the cost to the ACT taxpayer of a second defamation action—of which I was not aware—against Mr Smyth by Harold Upton. I also have the legal costs paid on behalf of a member of the Liberal Party during the last Assembly, namely Mr Pratt, when a member of his staff brought a wrongful dismissal action against him.

Mrs Dunne: Mr Speaker, I rise on a point of order. Mr Mulcahy's question was about costs in relation to Coroner Doogan. If Mr Stanhope wants to inform the Assembly about a whole range of other legal costs, I am sure that we can give him leave to make a statement at another time.

MR SPEAKER: The Chief Minister was responding to a specific question and was providing additional information. I do not think I can prevent him from doing that.

MR STANHOPE: I will provide Mr Mulcahy—I regret the delay—with the information. I will confirm that I have it with me. Certainly, I believe I will be in a position today to table it.

Because of the interest of the opposition—and, indeed, the Assembly and the community—in legal costs generally, I also have available to members of the Assembly the full legal costs of two defamation actions pursued against Mr Smyth. The taxpayer paid all the costs for that—I think \$80,000 or \$90,000 all up, or thereabouts. I also have the full legal costs to the taxpayer for resolving a wrongful dismissal action pursued by a member of Mr Pratt's staff against him.

I also have all the legal costs incurred by the taxpayer in the legal action pursued by a member of Mrs Cross's staff against her for wrongful dismissal. Of course, I have all the costs of the unfortunate incident involving Mrs Burke, when a member of her staff made sundry allegations, which I think ended up—

Mr Mulcahy: Mr Speaker, I rise on a point of order. I asked when I would receive a reply. I acknowledge that the attorney, in his response, said that he wanted to furnish information about a matter involving the Leader of the Opposition. We now seem to be getting down to the history of every piece of litigation involving current and former members of the Assembly. I ask that the attorney be asked to confine himself to my question.

MR SPEAKER: There is a long list of legal costs.

MR STANHOPE: I have advised that later I will table the range of information I have available for members.

MR SPEAKER: The Chief Minister said that he would provide the information in relation to the specific matter that Mr Mulcahy raised. There are many issues around which there are legal costs; we do not really need a complete list of them.

MR STANHOPE: That will do. I will stop there then. I was going to go on, but I will stop there.

Bushfires—coronial inquest

MR SESELJA: My question is to the Attorney-General. Attorney, I refer to an ABC Online story of 2 February 2005 about the blowout in the ACT government's legal advice and representations budget. The story concludes:

Mr Stanhope does not deny the expenditure but says all legal costs are covered by insurance.

This statement is contradicted by the note in the quarterly report for this budget item. I will quote it:

The worse than target situation for costs is a result of the significant additional expenditure which has been incurred in relation to the coronial inquest into the bushfire. For the current financial year, there has been no budget allocation to offset expenses and this impacts on the overall result of the Government Solicitor's office.

Why did your own department's quarterly report not state that the costs were being covered by insurance if your statements of 2 February 2005 to the media were accurate?

MR STANHOPE: Mr Speaker, I thank the member for his question. He is a very recent recruit to this place and he might not yet understand that a quarterly report on expenditure deals with expenditure. Other reports deal with revenue. Expenditure goes out; revenue comes in. You are dealing with an expenditure report, Mr Seselja. It details costs paid.

There are also revenue reports, which detail costs made. Costs made in relation to insurance are not expenditure; they are revenue. You really have to understand these things; I am sure you will come to do so in time. You are talking about a quarterly expenditure report. They are costs that go out. Other moneys come in. That is revenue.

Australian National University

MR GENTLEMAN: Mr Speaker, my question is to the Minister for Economic Development. I ask whether he can advise the Assembly of the recent government decision in relation to commercial developments around the Australian National University.

MR QUINLAN: Thank you, Mr Gentleman. No doubt the house will be interested to know that in December of last year the government agreed to a proposal from the ANU to jointly develop an education, research, accommodation and commercial precinct adjoining the current boundary of the ANU in City West.

This is a project of grand scale, unusual in the territory, and represents a very significant step forward on two fronts. The first is the revitalisation of City West and, in conjunction with the government's master plan, the ANU precinct will inject a sense of activity and life into that area of town, which is rightfully the focus of our efforts in this area.

Secondly, the precinct will greatly advance the ability of the ANU to commercialise its ever-increasing intellectual property.

It is the story of university towns all over the globe that the stunning ideas generated by academic institutions do not often find their way into the realm of business or in the realm of business in their local area. Certainly in my experience in studying how other cities manage and encourage commercialisation of intellectual property, I have found that governments that are forward thinking enough to enter into arrangements such as we have are the ones that derive the substantial benefits of the brainpower such as that residing in this city.

In simple terms, we all know that the university, the ANU, is world renowned as the largest research university in the country and one of the best in the world. We all know that Canberra is a city of highly educated people—as recently as today confirmed as the best educated city in Australia. We all know as well that we have to do better to turn ideas that are regularly generated out of the ANU and other institutions into successful business ventures. This will, in time, be a shot in the arm for Canberra's employment and export credentials and will further entrench our position on the world stage as a city that competes with the best—something we already know.

The agreement means that the ANU will have first call on unleased land in the precinct and, with the backing of the ANU's partners, we will soon see the first scaffolding going up on what will be a very important part of Canberra's future and growth. The partnership between the ANU and the ACT government has been sealed by the signing of a deed of agreement, and there is no doubt that the government has taken very large steps in securing Canberra's economic future in exactly the sort of concept that we have described in our economic white paper.

This, again, is the government taking action on the plans that it has put in place. We have a vision for the city as an innovative economy, as a knowledge-based economy, as an economy that will be recognised around the globe as a centre of excellence. We have invested in it and we will continue to do so.

MR GENTLEMAN: I have a supplementary question. Can the minister advise the Assembly on how the government is supporting commercialisation in the territory.

MR QUINLAN: The government has, in recent times, taken a further significant step, with the agreement of the ANU, to establish that precinct and we are putting our money where our mouth is, as we have indicated we would in the economic white paper.

I can confirm for members that the government has committed \$10 million to a commercialisation fund which is designed to provide accessible capital so that firms that have the good ideas can actually get the funds necessary to turn that idea into business, profit, export, employment and reputation. The important element of any provision of funds for this type of facility is the ability to leverage the initial amount of money into large amounts attracting other investors to the fund.

I am pleased to say, Mr Speaker, that the MTAA, the Motor Trades Association of Australia, has liked what we are doing so much that they have put in \$20 million as well.

So we now have a fund in the ACT worth \$30 million, which will lead to a range of very positive outcomes in the territory, which I have touched on.

I want to impress on members just how important these initiatives are in strengthening and diversifying our economy. We have always known we had the basic building blocks for success. Now we are talking substantial, positive, genuine steps towards exploiting the resources that we have in ensuring that Canberra benefits from those resources as much as we can.

Bushfires—rebuilding

MRS BURKE: My question is to the Minister for Disability, Housing and Community Services. Minister, given that the National Capital Authority has advised the ACT government that the houses lost at Pierces Creek in the 2003 bushfires can be rebuilt, will you advise the Assembly what you are personally doing to expedite rebuilding and repatriating people back to where they lived, two years or more after the event?

MR STANHOPE: I will take that question.

Mr Hargreaves: I was just about to give Mrs Burke a flogging, Chief Minister, but after you.

MRS BURKE: I raise a point of order, Mr Speaker.

MR SPEAKER: Who is going to answer the question?

MRS BURKE: The question is on public housing tenants, with respect.

MR STANHOPE: The question relates to bushfire recovery, in particular the rebuilding of destroyed rural villages, and I have administrative responsibility for that area. If Mrs Burke were to view the administrative arrangements order, she would see that I have administrative responsibility for Stromlo, Uriarra and Pierces Creek. In any event, I will take the question, Mr Speaker.

The government is very pleased with progress in relation to the rural villages of Stromlo and Uriarra and, indeed, with the state of negotiations in relation to Pierces Creek. As members would be aware, the government is particularly pleased, as should all members of the community be, that the ACT government and the commonwealth have agreed that Uriarra village should be rebuilt to the tune of 100 houses. That is a fantastic result for the residents of Uriarra who lost their homes.

Mrs Dunne: On a point of order, Mr Speaker: Mrs Burke did not ask a question in relation to bushfire recovery. She asked a specific question in relation to Pierces Creek. It is a rural village. Under standing order 118, the Chief Minister should confine himself to answering the question, which was about Pierces Creek.

MR SPEAKER: On the point of order, the rebuilding or otherwise of Pierces Creek is a matter that is being dealt with as part of the bushfire recovery. The Chief Minister is entitled to give supplementary information.

MR STANHOPE: The issue in relation to all three villages that were destroyed, and that we are determined to rebuild, is very much interlinked and interrelated. I cannot understand why members of the Liberal Party would not be interested in what the government has achieved and proposes for Stromlo, Uriarra and, indeed, for Pierces Creek.

As a result of the plans that we pursued and the tremendous cooperation that we have received from the NCA and the commonwealth, we will be rebuilding Uriarra. We will be providing up to 25 public houses at Uriarra and an additional 75 dwellings. Similarly, we have well advanced plans in relation to Stromlo. Of the three villages, issues concerning Stromlo were more straightforward, although there have been issues with the commonwealth in relation to our desire to increase the size of the village footprint at Mount Stromlo, it being bordered by land in the possession of the commonwealth.

Negotiations in relation to Pierces Creek have been more complex and have at this stage not been finally resolved. Members would be aware that 12 of the 13 houses at Pierces Creek were destroyed in the fire. The ACT government's position has always been a strong desire to see all the residents of Pierces Creek returned to their homes. We, in the shaping our territory process, believe that a village of 50 houses at Pierces Creek is the most sustainable and desirable outcome under a range of criteria including social, economic and environmental sustainability guidelines. Our preferred position is a village of 50 houses constructed at Pierces Creek.

As members would be aware, the joint standing committee on territories held an inquiry into the future or fate of Pierces Creek. The essential recommendation was that the ACT and commonwealth governments negotiate and seek to achieve an agreed position on the future of Pierces Creek. I responded to that recommendation immediately by agreeing that the ACT government would be prepared to proceed with the construction of a village of 30 houses at Pierces Creek. That is a reasonable position. We have reduced what we believed to be the optimal village size from 50 to 30.

The minister, Jim Lloyd, and I had constructive discussions and I indicated to him that, in a spirit of compromise and in order to ensure that the people of Pierces Creek could return to their homes, the ACT government would agree to a village of 25 houses. We have now comprised twice on what we believe to be the optimal preferred position. At this stage we are still awaiting a formal response by the commonwealth to the territories committee report on Pierces Creek; indeed, I am awaiting a response by the minister to my compromise offer of a minimum of 25.

The overarching difficulty, of course, is the decision of the NCA not to approve a change to the territory plan in relation to Pierces Creek, which would mean that even if the 13 houses were rebuilt, they could never be sold. So for those public housing tenants, unlike any other tenant in the ACT—

MR SPEAKER: Order! The minister's time has expired.

MRS BURKE: I have a supplementary question. Can the Chief Minister please explain what the term "security of tenure" means, particularly for the public housing tenants at Pierces Creek?

MR STANHOPE: It is the ACT government's position that when the public housing tenants return to Pierces Creek—and that is the government's strong desire—they should not only be able to move back into housing at Pierces Creek, they should also be able to own their houses. That is the position of every other public housing tenant and it is our intention in relation to those who would move again to Stromlo or Uriarra. But, because of the current position of the commonwealth, the residents who may return to Pierces Creek, particularly if only 13 houses were to be rebuilt—if that were to be the ultimate decision—would be the only public housing tenants in the ACT who would not have security of tenure.

That is one of the issues that we are still seeking to negotiate. A fundamental position that we are seeking to put to the commonwealth and the NCA, and one of the sticking points, is that the ACT government is determined that the residents of Pierces Creek not be disadvantaged in that way. We urge the commonwealth and the NCA not to leave public tenants at Pierces Creek in limbo.

Child protection

MRS DUNNE: My question is to the Minister for Children, Youth and Family Support. On 23 June 2004, Mrs Burke asked you:

... given that it is now clear that section 162 (2) of the Children and Young People Act was not complied with, can you assure the Assembly that the 71—in total—delegations under the act—

That is the Children and Young People Act—

have been complied with by your department ...

You answered:

As far as I am aware, yes, I can. I have sought advice on that and have been advised that those obligations are being met.

Minister, the Community Advocate advised in her annual report that 70 per cent of reports under section 267 of the Children and Young People Act had not been received in her office within the statutory guidelines during the 2003-04 financial year. Did you mislead the Assembly on 23 June 2004?

MS GALLAGHER: On reviewing *Hansard*, Mrs Dunne might find the question was asked on 24 June, so, no, I did not mislead the Assembly on 23 June. The answer to the question was given on 24 June, and the answer was correct. I had sought advice from the department about meeting statutory obligations under the act and I had been given advice that current statutory obligations were being met. So, my answer at that time was entirely correct.

I do like to talk about section 267, though, because I do not think people have an understanding of exactly what goes into a 267 report. A 267 report is an annual report that is made about a child or young person in the care of the territory. It is a history report, essentially, of the previous 12 months. It falls due within 31 days of the

anniversary of the day that that child or young person came under the care and protection of the chief executive. A whole range of information goes into that report. They are important reports.

I have read the Community Advocate's report. I meet with the Community Advocate. I get advice from the Community Advocate about areas that she still has concerns with in implementing reform in child protection. There are certainly concerns around the capacity to provide those reports on time, not that those reports are not being done. The reports are being done, but the reports are meant to be made available to the Community Advocate within 31 days of a child being 12 months in the care of the chief executive. From my understanding today, there are around 400 or so young people in the care of the territory. Work is being done on all of the annual reports. I understand about 30 of those reports are still outstanding or late, essentially, in meeting that time frame. I should also point out that 40 per cent of those reports originate from non-government agencies that provide foster care placements and residential options to those children and young people. Sixty per cent of the annual reports rest with the office.

I understand an approach has been made to the office in the past week from a non-government agency saying that it lost staff recently and there are pressures on that organisation to meet some of the obligations, which feed into the office's ability to meet its obligations. So, it is quite a difficult area. I believe, as everyone who has an understanding of care and protection knows, that these history reports are extremely important, not only in giving information to oversight agencies that appropriate care plans have been put in place but also in giving those children and young people, as they get older and look back on the life they have had in the care and protection system, an understanding of some of the decisions that were made. We all know from the Senate inquiry how important some of those history reports are on children and young people in care as they become adults.

It is a difficult area. There are contingencies and reasons why these reports will be late. Extra emphasis has been put on making sure that they are all done on time. The office is prioritising that. If you look at last year's workload, you can understand that some pulling together of that information did not meet the time frames required. At the moment, the Office of Children, Youth and Family Support is receiving more than 600 reports a month of concern about abused and neglected children. So far we have received about 5,000 reports of concern about children and young people. This puts us on a target of around 8,000 for the year.

That has come with a considerably increased demand on the office. As you know, we have put in millions of dollars. We have recruited staff from overseas. The entire system is being reformed. Work has been done with the out-of-home sector and other non-government providers to make sure that we move to a best practice child protection system. Time and again I have said that these pressures have an impact on the ability to meet some of the workload required of the office.

MRS DUNNE: My supplementary question to the minister is how does she reconcile the answer she has just given and the answer she gave in June 2004—let us not quibble about the date—

MS GALLAGHER: It is about misleading the Assembly. I answered the question on the 23rd or I did not.

MRS DUNNE:—with the Community Advocate's report, which says that 70 per cent of reports are overdue? The answer she has just given says we are not meeting the time lines. How does the minister reconcile all those conflicting pieces of information? When did she first become aware that section 267 of the Children and Young People Act was not being complied with and what did she do about it?

MS GALLAGHER: The answer I gave related to a question that was asked of me on 24 June. The information I had at that time was that all obligations were being met. So I think it is quite important to get the date right if we are talking about whether I misled the Assembly. I will be a bit pedantic about that. The information I gave the Assembly at that time was correct. In fact, I think my words were:

As far as I am aware, yes, I can. I have sought advice on that and have been advised that those obligations are being met.

I will check in relation to any briefs I have about 267, because I am not going to pretend I can rattle off the exact date. It may have been through a discussion with the Community Advocate. I am having regular contact with her office and with her about providing information to me, so I will check that date. The opposition should get a grip on what is happening in child protection and understand the overhaul that is occurring in that agency—an agency that was funded at \$19 million a year when this government came to office. Its annual budget is now \$59 million. It was so underresourced it was like a skeleton.

We have this huge piece of legislation that Mr Stefaniak—or it might have been Mr Moore—was responsible for, and no support was given to the agency. More obligations were placed on the agency and there was less capacity to meet them. There were no injections of any noticeable amounts to relieve some of the pressures that that agency was experiencing. It was left to this government to inject the money into it, this government to have an inquiry, this government to set the process of reform and to make sure we are doing the right thing by children and young people in the territory; yet members opposite still try to get my head for it. They still try to trick me into saying maybe I said this or maybe I knew that. They have to get with the program that this government is reforming the care and protection system, a process I have said a number of times will take several years due to the neglect of members of the opposition when they were in government.

Small Business Commissioner

MS MacDONALD: My question is to the Minister for Economic Development, Mr Quinlan. Minister, as part of the economic white paper, the government committed itself to the establishment of a Small Business Commissioner in the ACT. Minister, could you please bring the Assembly up to date on the appointment of the ACT's first Small Business Commissioner?

MR QUINLAN: Those members who were here during the last Assembly will recall that that Assembly passed legislation—by a majority, I might add—to create the statutory position of Small Business Commissioner, with responsibility for five key areas; namely, enhancing business-to-government relationships, dispute mediation, investigatory functions, regulatory review and advisory functions. It is my great pleasure to announce the appointment of Professor Michael Schaper as the inaugural Small Business Commissioner.

Mrs Dunne: We have read the press release.

MR QUINLAN: That's okay. I just want those who might have missed it to understand as well. Professor Schaper brings a wealth of experience in both public and private sectors to the role. He has held the chair in entrepreneurship and small business with the Graduate School of Business at the University of Newcastle. He has been a senior lecturer and director of the entrepreneurship degree program within the School of Management at Curtin University in Western Australia.

He has been the national vice-president of the Small Enterprise Association of Australia and New Zealand and he has been the deputy chairperson of the Fremantle business incubator in Western Australia. He spent several years as a professional small business adviser. He ran his own business and was involved in numerous other start-up projects.

He spent several years working as a ministerial adviser at the state and federal levels, acting as a policy adviser, speechwriter and consultant to numerous cabinet ministers and members of parliament. He was a member of the Senate of the University of Western Australia for three years. He has a PhD and a Master of Commerce degree from Curtin University, as well as a Bachelor of Arts degree from the University of Western Australia.

It is most important for members to appreciate that the Small Business Commissioner will be an independent voice and will be developing, within the framework of the legislation, his own program. It is a statutory appointment and I have the greatest confidence that Professor Schaper will make a very solid contribution to the government's objective of being the most small business friendly constituency in Australia.

MS MacDONALD: My supplementary question to the minister is: can you inform the Assembly what the overall reaction has been to the establishment of the position of Small Business Commissioner?

MR QUINLAN: I can say to this Assembly that across the business sector of the ACT there has been a positive reaction from the Business Council, even the chamber of commerce, Australian Business Ltd, the ACT Micro and Home Business Association, the Fair Trading Coalition, CPA Australia and even the National Association of Retail Grocers of Australia. One lone voice, I think, against the appointment is the Leader of the Opposition who is obviously not in tune with the business sector, who have been positively behind this appointment. I would have actually thought that the business sector was the natural constituency of the Liberal Party, and I suppose it would be in another time and another place.

Let me just share a coincidence or two with the house. In caucus this morning we decided that it would be very informative for the house to have this question asked and answered. Then, when we came out of caucus, we found that Mr Peter Switzer, in an opinion piece in the *Australian* newspaper, had said:

The ACT Government gave the Federal Government a lesson in caring for small business last week. It appointed an independent advocate to monitor how the sector is coping with the pressures of dealing with governments, big business and other forces that make life difficult.

He then went on to endorse the particular appointment.

Mr Stanhope: The *Australian*, that left wing rag!

MR QUINLAN: Yes, of course it is. Mr Speaker, I do have the greatest confidence in the appointment.

If I could just close with another coincidence, which probably is only tangentially relevant to this: the November Sensis business confidence report showed that the ACT last November had an increase that took it to being the most confident jurisdiction in Australia. I think it should be noted that November last year was the month following the election of this government and the defeat of that lot.

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

Answers to questions on notice

Questions Nos 50 and 51

MRS DUNNE (Ginninderra): Mr Speaker, in accordance with standing order 118A, I would like to draw the Assembly's attention to the fact that questions by me to the Minister for Education and Training numbered 26, 27, 28, 29 and 30 were answered but the answers were late; they were roughly four days overdue. The answer to question No 31 to the Minister for Children, Youth and Family Support was also overdue, as were the answers to questions 53, 54 and 57. They were all answered but the answers were overdue. The minister for education's answer to question No 43 was overdue, the Treasurer's answer to question No 52 was overdue, and the answer of the Minister for Urban Services to question No 32 also was overdue. Mr Speaker, I am not going to seek explanations for those, but I do seek an explanation from the Minister for Environment for his failure to answer questions 50 and 51, which were put on the notice paper on 8 December 2004 and are now 38 days overdue. I would like an explanation from the minister as to the reason for their lateness.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): I will take advice on that, Mr Speaker.

MR SPEAKER: It has just been brought to my attention that I should clarify whether you asked all of those questions, Mrs Dunne.

Mrs Dunne: Yes, I asked all of those questions.

MR SPEAKER: Do you want to provide an explanation, Mr Stanhope?

MR STANHOPE: I did. I said that I would seek advice on the answers.

MRS DUNNE (Ginninderra) (3.34): In accordance with standing order 118A (c), I move:

That the Assembly takes note of the explanation.

Mr Speaker, it might sound quibbling to complain about answers to questions which are four or five days overdue, but I need to put on the record that the ministers opposite are not very responsible in answering questions. Questions 50 and 51 are about important issues that go to one of the major policy issues for which this minister is responsible.

Question No 50 relates to whether there has been a risk assessment done on higher than planned peak flood levels, identified as a risk with more frequent storm events, and I have asked whether there has been a management plan to upgrade dams to withstand reported climate change events. That is a matter which goes right to the heart of water supply in this polity and which is supposed to be one of the principal issues for which this minister is responsible as Minister for Environment. There is a related question about water security and climate change, and these questions remain unanswered.

The matter goes to this minister's capacity to meet his responsibilities as the Minister for Environment. He is completely at sea when it comes to water issues. He is incapable of answering a question without prompts and he knows very little about the subject matter. That is identified by the fact that he would allow a situation to arise within his department whereby an answer to a question is 38 days overdue.

We all had holidays, Mr Speaker, but I was here when those answers were due and I cannot do anything about the things that I have raised because the minister will not answer those questions. This is a sorry indictment of the Minister for Environment.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (3.36): Mr Speaker, I will oppose this motion on one simple ground. The Chief Minister responded to Mrs Dunne by saying that he will seek advice on the reason for the delay. To proceed in this way before such advice had been provided to Mrs Dunne would be precipitous to the nth degree. I think that we should just dispense with this motion with the contempt that its due and that Mrs Dunne should be urged to wait until the minister actually responds to her with a reason for the delay.

MRS DUNNE (Ginninderra) (3.37), in reply: Mr Speaker, the standing orders actually allow for me to do what I have done without notice. The notice paper says that these questions are outstanding and that they have been outstanding since 8 January. Any minister worth his salt or any staff members worth their salt in the minister's office would have been out this morning saying, "Why has Mrs Dunne's question not been answered?" When I was a staffer, that was the sort of thing that went on in an office,

otherwise the staff would leave the minister in a position to be embarrassed. If the minister does not know now why those questions have not been answered, this Assembly should censure him in this very mild way. Therefore, I commend the motion to the Assembly.

Question put:

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

The Assembly voted—

Ayes 6		Noes 9	
Mrs Burke	Mr Stefaniak	Mr Berry	Ms MacDonald
Mrs Dunne		Dr Foskey	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope
Mr Smyth		Mr Hargreaves	

Question so resolved in the negative.

Papers

Mr Speaker presented the following papers:

Legislation Act, pursuant to subsection 228 (1)—Schedule of relevant committees to be consulted in relation to appointments made by Ministers to statutory offices, dated 7 December 2004.

Quarterly travel report—Non-Executive MLAs—1 October to 31 December 2004.

Executive contracts

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

Long-term contracts:

- Alan Galbraith, dated 10 December 2004.
- Anthony Kevin Curtis, dated 22 December 2004.
- Dorte Ekelund, dated 6 October 2004.
- Jacqui Lavis, dated 10 January 2005.
- Megan Cahill, dated 23 January 2005.
- Roderick John Nicholas, dated 18 November 2004.
- Russell Watkinson, dated 30 November 2004.

Short-term contracts:

- Brett Phillips.
- David Collett, dated 13 January 2005.
- Diane Spooner.
- Geoff Keogh, dated 1 December 2004.
- Gerard Ryan, dated 21 December 2004.
- Greg Ellis, dated 22 December 2004.
- Helen Strauch, dated 10 January 2005.
- John Paget, dated 13 October 2004.
- Martin d'Este, dated 12 January 2005.
- Stephen Ryan, dated 13 December 2004.

Sue Marriage, dated 20 December 2004.
Susan Hall, dated 20 December 2004.
Susan Killion, dated 1 February 2005.
Tony Bartlett, dated 7 December 2004.
Tony Gill, dated 19 October 2004.

Schedule C variations:

Robyn Calder, dated 1 and 6 December 2004.
Tom Elliott, dated 23 December 2004 and January 2005.

Schedule D variations:

Aidan O'Leary, dated 5 January 2005.
Gerard Ryan, dated 11 January 2005.
Greg Kent, dated 25 January 2005.
Julie McKinnon, dated 20 January 2005.
Julie McKinnon, dated 8 December 2004.
Meredith Whitten, dated 23 December 2004.
Michael Bateman, dated 6 December 2004.
Philip Hextel, dated 23 December 2004.

Remuneration Tribunal Determinations

Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:

Chief Executive and Executive—Salary Packaging—Determination No 166, dated 30 November 2004.
Chief Magistrate, Magistrates and Special Magistrates—Determination No 162, dated 30 November 2004.
Commissioner for Public Administration—Determination No 164, dated 30 November 2004.
Full-time Holders of Public Office—
Salary Packaging—Determination No. 167, dated 30 November 2004.
Small Business Commissioner—Determination No. 168, dated 30 November 2004.
Master of the Supreme Court—Determination No 161, dated 30 November 2004.
Part-time Holders of Public Office—
Commissioner for Surveys—Determination No 165, dated 30 November 2004.
Determination No 163, dated 30 November 2004.
President of the Administrative Appeals Tribunal—Determination No 169, dated 30 November 2004.
President of the Court of Appeal—Determination No. 160, dated 30 November 2004.

Legislation program—autumn 2005 Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): For the information of members, I present the following paper:

Autumn 2005 Legislation Program, dated February 2005.

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

Leave granted.

MR STANHOPE: Mr Speaker, I am pleased to present the government's legislation program for the autumn 2005 sittings. At last year's election, the people of Canberra gave a very strong endorsement of the government's record in office and what it offered Canberrans for the future. The government must now set about justifying that faith and fulfilling the commitments it made in the lead-up to the election. A key part of that will be through its legislative program.

The government has wasted no time in getting on with the job, already introducing 11 bills during the December 2004 sittings. During the autumn sittings, the government plans to bring forward a range of legislation covering key policy areas such as the environment, law and order, health, economic management, planning, industrial relations, and urban services. For the benefit of members, I will comment briefly on some of the legislation the government intends to bring forward during the autumn 2005 sitting period.

The 2005-06 appropriation bill will, of course, be central to the government's legislative agenda to provide appropriation to administrative units for the 2005-06 financial year. The bill is scheduled to be tabled in May, together with the budget papers. The government will also introduce this sitting week a second 2004-05 appropriation bill to provide additional appropriation to administrative units for the 2004-05 financial year. Among other things, this bill will facilitate the funding of election commitments.

The government's commitment to law and order will continue. The government's sentencing reform package will be the most substantial review and rewrite of sentencing laws in the territory's history. The sentencing legislation will improve the effectiveness of sentences and remove the anomalies in current legislation. The package will replace a patchwork of 12 different laws that have developed in a piecemeal manner, with a coherent sentencing regime to provide a clear framework for courts, offenders and the community.

Amendments to the Protection Orders Act 2001 will overhaul the scope of the domestic violence and personal protection order provisions in the ACT. The amendments will ensure that the act reflects the best features of ACT law and improves the quality and uniformity of laws relating to domestic violence.

The government will also bring forward legislation to establish a Human Rights and Service Review Commission. The commission will have statutory functions in relation to discrimination, human rights, health services and disability services. The commission will provide an independent, fair and accessible mechanism for the resolution of discrimination, health services and disability services complaints. The commission will also be able to promote systemic improvements in the delivery of health and disability services, as well as promoting community awareness of human rights and discrimination issues.

The government will introduce amendments to the Legal Aid Act that will assist the Legal Aid Commission to maintain better control over its liabilities and to provide a greater range of services to its clients. As part of its agreement to implement nationally

consistent laws regulating the operation of the legal profession in the ACT, the government will bring forward legislation to remove significant barriers to interstate legal practice and allow for greater competition in the provision of legal services. That will have particular benefits for national legal firms operating out of the territory and for ACT legal practitioners who carry out work in regional New South Wales.

We will also continue to implement the criminal code project, with a further two criminal code bills proposed for introduction in this session. The first will insert in the code a new chapter 7, which will contain offences relating to the administration of justice. The legislation will ensure that the law on perjury and other related offences will be conveniently located in one discrete chapter of the code. Chapter 7 will also include offences on falsifying, destroying or concealing evidence, corrupting, threatening or taking reprisals against witnesses, and perverting the course of justice.

A major priority for the government is ensuring the safety and quality of care for children and young people. The development of child protection legislation concerning offender registration will provide the ACT with a consistent child protection registration scheme mutually recognised by other jurisdictions. The legislation is a key initiative towards reducing the incidence of offences against children through the establishment of an offenders register and associated reporting requirements.

Additionally, amendments to the Children and Young People Act will be brought forward to regulate children's services and the employment, care and protection of children and young people in the ACT. This will provide for the meaningful participation of children and young people in decisions about their lives, expanded options and greater support for diversionary and rehabilitation initiatives for young people involved in the youth justice system, the development of strategies to reduce the number of Aboriginal and Torres Strait Islander children and young people separated from their families and communities, and greater clarity around care and protection arrangements for our most vulnerable children and young people.

To promote and protect the interests of children and young people and to provide for the resolution of complaints about services provided for children and young people, the government will establish an independent Commissioner for Children and Young People in the ACT, as recommended by Commissioner Vardon in the *Territory as parent* report. The government has been consulting with children, young people and organisations about the proposed role and function of the commissioner and the outcome of these consultations will inform the development of the commissioner's functions.

Mr Speaker, the protection of the environment remains a key commitment of the government. Legislation will be introduced to replace the existing declarations and orders provisions in the Land (Planning and Environment) Act to deal with pest plants and animals. The proposed legislation will provide a more comprehensive and targeted approach to regulating pest plants and animals in the ACT. The proposed legislation will incorporate nationally agreed principles for pest plants and animal management.

Amendments to the Animal Diseases Act, the Pounds Act and the Stock Act are also proposed. Legislation will be introduced to deal with activities of the rural sector, the primary production market, the health of animals and the management of animal diseases. The proposed legislation will allow for application of the national livestock

identification scheme, which will enable disease outbreaks to be traced and ensure that ACT procedures are compatible with those of other jurisdictions. It will also allow for new impounding provisions which will take into account modern practice and more efficient methods for impounding and disposing of impounded stock. The proposed legislation will also ensure that a more efficient method of collecting the stock levy is established. Recognition of interstate permits, with appropriate checks, also will be implemented.

The Tree Protection Bill will provide for progressive lifting of the current Tree Protection (Interim Scheme) Act in conjunction with the establishment of a tree register to protect trees of very high value. Tree protection similar to the interim scheme arrangements is to be retained only in areas where urban forest values warrant particular protection. These areas will be declared by the relevant minister as tree management precincts.

Turning to sustainability matters, several milestones relating to the electricity element of the national energy market are anticipated to be achieved in the first half of 2005, including the introduction of a new national electricity law and supporting national electricity rules. So that this new regulatory framework may be consistently applied, all jurisdictions are required to vary their enabling legislation. Legislation will be brought forward to achieve this outcome in the ACT and significantly progress the national reform agenda.

With several jurisdictions experiencing an increasing frequency of interruptions in the supply of essential electricity and gas supplies to consumers, the government will be acting to put in place a robust scheme for the rationing of electricity and gas to guard against periods of shortage. The new scheme will be similar to that already in place for water and will bring all of the schemes together in a single act to facilitate effective and timely responses to supply shortages of low to medium intensity and duration. The new legislation will complement the operation of the Emergencies Act that will remain the means by which severe or critical incidents will be managed. The government believes that planning ahead for such eventualities is essential for the prudent and responsible management of essential services that all Canberrans rely upon.

In line with a commitment announced in the 2004-05 budget papers, the government will bring forward amendments to the Financial Management Act to implement a triple bottom line framework. The legislation will support changes to the financial management framework to improve and streamline budget management and monitoring processes and address anomalies and inconsistencies.

Following a detailed review of the ACT Insurance Authority, a bill will be introduced to effect necessary changes to the legislation establishing the authority. In particular, it will restructure the authority to reflect increases in its responsibilities and to reflect policy changes arising from the bushfires. This will provide better protection for capital and claims reserves allocated to and retained by the authority.

A bill will be brought forward to provide longer term legislative solutions in light of the government's election commitment to the dragway. It will enable the enactment of legislation for the control and regulation of meetings for motor vehicle racing and certain

other sporting and recreational activities involving motor vehicles at dedicated motor sport facilities.

The proposed Revenue Legislation Amendment Bill is consistent with the government's commitment to maintaining the integrity of the tax system and implementing administrative processes for the collection of revenue. The bill will amend the Payroll Tax Act 1987 to incorporate employee share schemes and the value of any contributions to share schemes as taxable wages for ACT payroll tax purposes, using the New South Wales model. The bill amends the Duties Act 1999 to remove the requirement for exemption certificates and clarifies which categories of exemption require the commissioner's approval in order to be processed by the Road Transport Authority.

Since the commencement of the Gaming Machine Act 2004 on 1 November 2004, the Gambling and Racing Commission has identified a number of provisions that require enhancement or further clarification to ensure the proper operation of the Gaming Machine Act and the commission's regulation of gaming machine activity.

Mr Speaker, under the Gambling and Racing Control Act, the functions of the commission include the requirement to review legislation and to make recommendations to the minister. Recently, the commission completed its review of the Casino Control Act 1988 and the government is currently considering its response to the outcomes of that review.

In the area of health, the government has introduced legislation to amend the Health Records (Privacy and Access) Act 1997 to prohibit access to a health record or part of a health record made under either the voluntary or the mandatory reporting provisions of the Children and Young People Act where the identity of a reporter and their information could place children and young people, other adults, the reporter and a range of staff across the public service at risk. Further separate amendments to the act will be made to address some practice issues that have arisen since it was passed some nine years ago.

New health legislation also includes amendments to the Health Professionals Act 2004. This will allow for the establishment of midwifery as a separate health profession to nursing, extend the commencement date of the act to 8 July 2006, and allow veterinary surgeons to be included under the act.

Other legislation to be introduced by the government includes amendments to the Unit Titles Act to permit the staged development of A class units and to reinstate Supreme Court powers relating to the cancellation of unit plans. An amendment to the Land (Planning and Environment) Act will introduce the definition of "concessional lease" into the act as a first step to removing ambiguity and uncertainty that exists in the identification and administration of concessional leases.

Amendments to the Utilities Act will provide a clear and consistent legal authority for territory officials or those contracted to provide maintenance services to gain access to private property for the purpose of installing or maintaining stormwater and street lighting infrastructure.

Two bills will be introduced to modernise and improve long service leave conditions for ACT workers. One of the bills will encourage employers and workers to establish

voluntary portable long service leave schemes and the other will update the Long Service Leave Act 1976 in regard to minimum entitlements for long service leave.

Finally, amendments to road transport legislation will be brought forward to clarify arrangements for the taking of blood samples from persons believed to have been involved in motor vehicle accidents and to update the legislation.

Mr Speaker, these are just some of the initiatives that the government is looking to progress in the autumn 2005 legislation program. It will continue the government's work from its first term in addressing Canberra's priority issues and responding to community needs. I commend the government's autumn 2005 legislation program to the Assembly.

Papers

Mr Stanhope presented the following papers:

National Environment Protection Council Act—National Environment Protection Council—Annual Report 2003-2004.

Cultural Facilities Corporation Act, pursuant to subsection 29 (3)—Cultural Facilities Corporation—Quarterly report—First quarter 2004-2005—1 July to 30 September 2004.

Budget 2004-2005—mid-year review Paper and statement by minister

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development): For the information of members, I present the following paper:

Budget 2004-2005—Mid-year review.

I seek leave to have the tabling statement incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment 1 on page 440 .

Papers

Mr Quinlan presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Management Report for the financial quarter and year-to-date ending 31 December 2004.

Capital works program 2004-2005 Paper and statement by minister

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development): For the information of members, I present the following paper:

Capital Works Program 2004-05—Progress report—September quarter.

I seek leave to have the tabling statement incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment 2 on page 441.

Papers

Mr Quinlan presented the following paper:

Australian Capital Tourism Corporation Act, pursuant to subsection 28 (2)—
Australian Capital Tourism Corporation Quarterly report—October to
December 2004.

Mr Hargreaves, on behalf of **Mr Corbell**, presented the following papers, which were circulated to members when the Assembly was not sitting:

Calvary Public Hospital—Information Bulletin—Patient Activity Data—External
Distribution—
November 2004.
December 2004.

The Canberra Hospital—Information Bulletin—Patient Activity Data—
November 2004.
December 2004.

Health—Standing Committee Report 9—government response

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services): Mr Speaker, on behalf of Mr Corbell and for the information of members, I present the following paper:

Health—Standing Committee—Report 9—The allied health care needs of people in residential aged care (*presented 19 August 2004*)—Government response, dated February 2005.

I seek leave to have the tabling statement incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment 3 on page 441.

MR HARGREAVES: I move:

That the Assembly takes note of the paper.

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

Territory plan—variation No 243 Papers and statement by minister

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services): On behalf of Mr Corbell and for the information of members, I present the following papers:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 243 to the Territory Plan—Aged care facility Monash—Part block 3, block 2 section 50 and block 1 section 53 Monash, dated 2 February 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

I seek leave to have the tabling statement incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment 4 on page 443.

Disability Services—Board of Inquiry Paper and statement by minister

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (3.58): Mr Speaker, for the information of members, I present the following paper:

Inquiries Act—Board of Inquiry into Disability Services—Implementation of the Government response to the recommendations of the Report of the Board of Inquiry into Disability Services—Fourth and final six monthly report, dated September 2004.

I seek leave to have the tabling statement incorporated in *Hansard*.

Leave granted

The incorporated document appears at attachment 5 on page 444.

MR HARGREAVES: I move:

That the Assembly takes note of the paper.

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

Papers

Mr Hargreaves, on behalf of **Mr Corbell**, presented the following papers:

Performance reports

Financial Management Act, pursuant to section 30A—Quarterly departmental performance reports for the December quarter 2004-2005 for the following department or agencies:

- ACT Emergency Services Authority, dated February 2005.
- ACT Health.
- ACT WorkCover, dated January 2005.
- Attorney-General's Portfolio within Department of Justice and Community Safety.
- Chief Minister's Department, dated January 2005.
- Disability, Housing and Community Services, dated January 2005.
- Economic Development, Business, Tourism and Sport Portfolios within the Chief Minister's Department, dated January 2005.
- Education and Training, dated January 2005.
- Office for Children, Youth and Family Support, dated January 2005.
- Planning Portfolio within ACT Planning and Land Authority.
- Planning Portfolio within Urban Services.
- Police and Emergency Services Portfolio within Department of Justice and Community Safety.
- Treasury, dated January 2005.
- Urban Services Portfolio.

Petition—Out of order

Petition which does not confirm with the standing orders—

- Castieau Street, Higgins—Speed humps—Mr Stefaniak (76 citizens).

Revised explanatory statements

Revised explanatory statements—

- Civil Law (Sale of Residential Property) Act—Civil Law (Sale of Residential Property) Amendment Regulations 2004 (No. 1)—Subordinate Law SL2004-48.
- Legislative Assembly (Members' Staff) Act—
 - Legislative Assembly (Members' Staff) Members' Hiring Arrangements Approval 2004 (No. 1)—Disallowable Instrument DI2004-230.
 - Legislative Assembly (Members' Staff) Office-holders' Hiring Arrangements Approval 2004 (No. 1)—Disallowable Instrument DI2004-231.
- Long Service Leave (Building and Construction Industry) Act—
 - Long Service Leave (Building and Construction Industry) Board Appointment 2004 (No. 1)—Disallowable Instrument DI2004-213.
 - Long Service Leave (Building and Construction Industry) Board Appointment 2004 (No. 3)—Disallowable Instrument DI2004-215.
- Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2004 (No. 1) (Replacement)—Disallowable Instrument DI2004-246.
- University of Canberra Act—University of Canberra (Courses and Awards) Amendment Statute 2004 (No. 2)—Disallowable Instrument DI2004-232.

Subordinate legislation (including explanatory statements, unless otherwise stated)

Legislation Act, pursuant to section 64—

- Civil Law (Sale of Residential Property) Act—Civil Law (Sale of Residential Property) Amendment Regulation 2004 (No. 2)—Subordinate Law SL2004-64 (LR, 23 December 2004).
- Court Procedures Act—
- Attorney General (Fees) Amendment Determination 2004 (No. 4)—Disallowable Instrument DI2004-273 (without explanatory statement) (LR, 23 December 2004).
- Court Procedures Regulation 2004—Subordinate Law SL2004-63 (LR, 23 December 2004).
- Dangerous Substances Act—
- Dangerous Substances (Asbestos Assessment Task Force) Appointment 2004 (No. 1)—Disallowable Instrument DI2004-271 (LR, 22 December 2004).
- Dangerous Substances (Asbestos Assessment Task Force) Appointment 2004 (No. 2)—Disallowable Instrument DI2004-272 (LR, 22 December 2004).
- Dangerous Substances (General) Regulation 2004—Subordinate Law SL2004-56 (LR, 14 December 2004).
- Electricity (Greenhouse Gas Emissions) Act—Electricity (Greenhouse Gas Emissions) Regulation 2004—Subordinate Law SL2004-60 (LR, 20 December 2004).
- Emergencies Act—Emergencies (Strategic Bushfire Management Plan) 2005—Disallowable Instrument DI2005-1 (LR, 13 January 2005).
- Gungahlin Drive Extension Authorisation Act—Gungahlin Drive Extension Authorisation Regulation 2004—Subordinate Law SL2004-55 (LR, 13 December 2004).
- Health Act—Health (Interest Charge) Determination 2004 (No. 1)—Disallowable Instrument DI2004-260 (LR, 29 November 2004).
- Health Professionals Act—Health Professionals Amendment Regulation 2004 (No. 1)—Subordinate Law SL2004-52 (LR, 17 November 2004).
- Legal Aid Act—Legal Aid (Review Committee—Panel Member) Appointment 2005—Disallowable Instrument DI2005-4 (LR, 24 January 2005).
- Liquor Act—
- Liquor Amendment Regulation 2004 (No. 2)—Subordinate Law SL2004-57 (LR, 14 December 2004).
- Liquor Licensing Board Appointment 2004—Disallowable Instrument DI2004-268 (LR, 20 December 2004).
- Liquor Licensing Standards Manual Amendment 2004 (No. 1)—Disallowable Instrument DI2004-261 (LR, 20 December 2004).
- Public Place Names Act—Public Place Names (Gungahlin) Determination 2004 (No. 4)—Disallowable Instrument DI2004-269 (LR, 20 December 2004).
- Public Sector Management Act—
- Public Sector Management Amendment Standard 2004 (No. 8)—Disallowable Instrument DI2004-267 (LR, 17 December 2004).
- Public Sector Management Amendment Standard 2005 (No. 1)—Disallowable Instrument DI2005-2 (LR, 17 January 2005).
- Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2004 (No. 1)—Subordinate Law SL2004-59 (LR, 16 December 2004).
- Road Transport (General) Act—
- Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No. 13)—Disallowable Instrument DI2004-259 (LR, 29 November 2004).
- Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No. 14)—Disallowable Instrument DI2004-265 (LR, 20 December 2005).

- Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No. 15)—Disallowable Instrument DI2004-266 (LR, 20 December 2004).
- Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No. 1)—Disallowable Instrument DI2005-6 (LR, 27 January 2005).
- Road Transport (Safety and Traffic Management) Regulation 2000—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2005 (No. 1)—Disallowable Instrument DI2005-3 (LR, 20 January 2005).
- Supreme Court Act—
- Supreme Court Amendment Rules 2004 (No. 4)—Subordinate Law SL2004-53 (LR, 2 December 2004).
- Supreme Court Amendment Rules 2004 (No. 5)—Subordinate Law SL2004-54 (LR, 9 December 2004).
- Taxation Administration Act—
- Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2004 (No. 5)—Disallowable Instrument DI2004-262 (LR, 23 December 2004).
- Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2004 (No. 6)—Disallowable Instrument DI2004-263 (LR, 23 December 2004).
- Taxation Administration (Levy) Determination 2005 (No. 1)—Disallowable Instrument DI2005-7 (LR, 27 January 2005).
- Taxation Administration Regulation 2004—Subordinate Law SL2004-62 (LR, 23 December 2004).
- Utilities Act 2000 and Utilities (Electricity Restrictions) Regulation 2004—Utilities (Electricity Restriction Scheme) Approval 2004 (No. 1)—Disallowable Instrument DI2004-270 (LR, 21 December 2004).

Water catchment quality—role of native vegetation

Discussion of matter of public importance

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

The role of native vegetation in managing catchments for water quality.

DR FOSKEY (Molonglo) (4.02): This is a very pertinent topic. In recent years we have been reminded that the ACT is vulnerable to two very Australian natural phenomena: drought and fire. These two phenomena are closely linked. Our policy response to both challenges could benefit from the adoption of integrated land management approaches.

There is no doubt that the ACT community wants the ACT government to take its concerns about fire and water seriously. We have seen the government respond to the bushfire threat with a management plan that promises to reduce fire vulnerability of ACT communities and also set up processes for appropriate responses.

The “Think water, act water” initiative points out the need for more efficient, less wasteful water use and the government is currently considering options for increasing water supply. These are matters for discussion at another time, but right now I will focus

on the important role of catchment management in increasing and enhancing water supply as well as water quality.

In January 2003, 11,000 hectares of the softwood estate was burned in a dramatic firestorm event that also destroyed over 400 homes in Canberra suburbs and surrounding rural communities. Some of these houses burned precisely because they were located near the pine forests, and the government has decided not to replant in areas adjacent to residential areas.

The area of ACT pine plantations, before they burned, was less than two per cent of the total of Australian softwood plantations. As a percentage of the whole Australian plantation timber industry, ACT forests were less than one per cent. When the ACT pine plantations were originally established, it was because there was a need for local building material, coupled with the need to stabilise soil and vegetate the area for erosion control. This was in the 1920s, when rabbits were running amok. People were concerned about protecting water catchments then and they used the technology available to them, which seems to be logical. *Pinus radiata* was the latest and newest thing.

People are still concerned about protecting water catchments, but we are now more aware of the dangers of fire and we are better informed, more sophisticated and willing to finetune our activities to implement the latest research into catchment management. ACT soils are not suited to the replanting of pines. There is also limited economic viability for replanting pines in the areas where they were burnt out. The timber production from ACT pine forests was never fully realised as commercial value due to repeated outbreaks of fire. With highly competitive timber industries in our immediate neighbourhood at Tumut and Tumberumba, for example, there is no need to waste valuable resources in replanting softwoods.

In consideration of whether pine should be replanted in the same area, there are persuasive arguments against this option due to, firstly, extreme combustibility of pine forests and groundcover of pine needles; secondly, loss of biodiversity that accompanies any monoculture, particularly *Pinus radiata*, and, thirdly, their impact on water going into the aquifers which feed our rivers.

In the wake of the fires the ACT government commissioned a study of future non-urban land use, which resulted in the final report, titled *Shaping our territory*. In its conclusions and recommendations related to water resources planning, the report states that:

Clean water is crucial to Canberra's future and is a first order priority in determining land use and land management in catchment areas. These areas must be adequately protected.

With this key issue of public importance in mind, I want to put forward a case for managing the Molonglo, Cotter and Murrumbidgee catchments overall for water quality and quantity, as well as to reduce vulnerability to fire. The key feature of my argument for a catchment-based approach involves letting go of the idea that the ACT is a softwood producer.

We have been spared the replacement of many of the lost pines only because the last planting season was considered too dry to risk the investment and time in planting

seedlings which might not have survived the summer. To prevent making costly mistakes this year, we need to seriously question the shibboleths trotted out to justify the ACT remaining as a softwood producer. Our pine forests have imposed more costs on our economy than income. Even before the fires taxpayers were subsidising softwood management by over \$2 million in 2002-03, for instance. If we replant and if the growing trees do not suffer misadventure by heavy, eroding downpours or wildfire, it will be a decade and a half at a minimum before we reap any financial benefits from pines and these pines will enter a market already saturated by oversupply.

While ACT Forests may argue that it needs a pine plantation to manage in order to justify its existence, we would suggest that labour market trends indicate that the emerging new employment opportunities are generated in sustainable industries, such as native plantation forest management, biodiversity monitoring and research, bioharvesting in native ecosystems, as well as the flow-on benefits with improved recreation and horticultural amenity in the vicinity of our city, the Bush Capital.

Given that the government is committing so much money to the new water strategy and considering undertaking very expensive capital works, such as dam building or dam wall extensions, we hope that it is prepared to consider negotiating with the insurance company over the best possible outcome for revegetating the water supply catchments in our region. To do otherwise would seem to contradict all efforts to secure quality water in the ACT.

To reiterate, the fires, which were devastating to our community, have now presented an opportunity to rethink our land management. We can move out of an old mode of thinking which is economically and environmentally unsustainable and be the clever city that we like to call ourselves. If a rich resourceful city like ours cannot deal with the land use and employment prospects of managing our catchments, who can? If our insurance policy says we must replant in order to be paid full value, then we need to look at the fine print and see where it says that we must replant with exactly the same species that caused the problem in the first place.

Just imagine if we could implement the latest research into mixed land use, combining woodland and grassland with possibilities for some grazing and selective harvesting, where appropriate, as well as providing recreation and public access. In this territory we have the expertise and the community interest to place our catchment management in an ecologically sustainable framework. Let us learn from our experiences and embrace this opportunity to demonstrate world-best practice in protecting our water supply catchment with well-designed plantings and judicious regeneration to enable our catchments to do their job of supplying quality water to our rivers.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs) (4.11): I thank Dr Foskey for proposing this matter of public importance. It is indeed a very important matter and very topical as a consequence, of course, of the range of circumstances in which we find ourselves: the destruction of the forests; the continuing drought and the stress that our water catchments continue to suffer. So a matter of public importance on the role of native vegetation and maintaining catchments for water quality is indeed very timely. It is an issue that the community is very interested in and I think it is appropriate that we discuss the issue. So I thank Dr Foskey for proposing the matter.

As we all know, water is fundamental to the prosperity of the ACT and the surrounding region. This government is the first ACT government to prepare and implement a comprehensive policy which we have called “Think water, act water” which will ensure the community has access to a secure supply of high-quality water into the future.

Native vegetation is certainly an important component in the management of catchments and in ensuring water quality. It is not, however, the only issue to be taken into account, as we have clearly set out in the August 2003 report *Shaping our territory: options and opportunities for non-urban ACT*. Catchment management for its own sake and for water quality utilises a range of vegetation. Professional catchment management is about how we assess the needs of the catchment and then utilise various tools, including native vegetation, to achieve the outcomes we are seeking on a sustainable basis.

The government is working towards a hierarchy of outcomes from our water catchments in order of priority. We are seeking security of water supply, protection of water quality, protection of the environment, provision for recreational use, and provision of commercial use in forestry and farming. The 2003 bushfire affected us in ways beyond which most of us fully understand. It was a catastrophic event causing land disturbances not seen in the area for several hundred years. There is no quick answer or quick fix. Our water supply catchments were almost burnt out. The Cotter, indeed, was completely burnt. The result is that the amount and quality of water being delivered to the catchments has changed.

The water restrictions that we continue to face in Canberra are due in some part to catchment damage. The Cotter catchment is our most important source of water. It was subject to catastrophic degradation following the January 2003 fires. It can, of course, be considered as a catchment in two parts. The area surrounding Corin and Bendora dams is one part and the lower Cotter surrounding the Cotter Dam is the second part. The difference between the two parts of this particular catchment relates to land use based on topography and vegetation.

Corin and Bendora dams are each surrounded by the Namadgi National Park where native vegetation is the basis for the catchment, that is, the eucalypt forest, the bogs and the riparian zones which provide a set of ecosystem services, including water filtration, erosion protection, water storage and nutrient retention. That regrowth will see water filtration restored through intact canopy and ground cover so that water falling on the landscape and passing through the landscape is filtered, removing particles and nutrients. The result will be that very clean water again runs off that landscape. It was, of course, because of that particular natural filtration system that for so many years the ACT has managed to provide the average daily needs of the people of Canberra without a water treatment system being required

The regrowth will provide natural erosion protection because the vegetation binds the soil, creates mass in the soil to facilitate water absorption and forms small barriers to catch water and soil movement to allow it to settle before building speed through the gullies and down the streams. Clearing of vegetation by catastrophic natural events, for instance, fires, does expose, of course, the soil to erosion. Native vegetation also facilitates water storage. Intact swamps and bogs act as massive natural sponges, slowly releasing water to maintain streams. In the upper reaches of the Cotter the broad

topography dictates the primacy of native vegetation with minimal disturbance of the land to facilitate water supply and quality outcomes. This is, of course, assured because the land is part of our Namadgi National Park and also links with the Kosziusko National Park and the extended Australian Alps National Park system.

ActewAGL and Environment ACT have carried out significant remediation works in the upper Cotter above the Bendora Dam. In 2002-03 over \$1 million was spent on the construction of silt curtains and booms, aerial photography, fire intensity mapping, GIS data collection, water quality and quantity monitoring, bathometric surveys and consultants. I am advised that we are seeing very good rates of regeneration of native vegetation in that particular area and that Environment ACT is working in a low impact way to augment the natural regrowth.

The second part, and I think it is the second part of the catchment to which Dr Foskey referred and refers, does, of course, present a different landscape. The lower Cotter has been catastrophically altered with the destruction of the pine forests. This has occurred in a way totally at odds with good forestry management, which would have seen small parcels of land cleared and an overall balance maintained. The January 2003 fires have therefore created a major management challenge, indeed a challenge unlike any seen before in the management of our forests or catchments. We are meeting that challenge by cooperation between our land management agencies and the use of expert advice. Our approach recognises that in water supply catchments it is possible to have other land uses, such as softwood forestry, and to protect those ecosystem services by putting appropriate management in place.

The ACT government has initiated significant research and consultation processes to inform its actions in the rehabilitation of the Cotter catchment. In the absence of a proven model to take account of the large range of issues faced by the government in making decisions about rehabilitation of the catchment, a very comprehensive consultation process was put in place, which incorporated very significant scientific inputs. That consultation was undertaken at the outset and, as I say, was detailed and extensive. It included inputs from a broad range, almost exhaustive range, of academic, community, scientific and academic organisations including, for instance, the cooperative research centres for freshwater ecology and hydrology, Greening Australia, the ANU Centre for Research and Environmental Studies and ActewAGL.

The approach taken in relation to the replanting in the Cotter area is quite sophisticated and is consistent with the recommendations of November 2003 *Shaping our territory* report. The approach also accords with the design principles developed by ACT Forests and a group of experts that were engaged for the purpose, including Professor Peter Kanowski, Professor David Lindenmayer and Professor Bob Wasson, all from the ANU. Much of the work that is being pursued at this stage by ACT Forests is pursuant to those principles designed in concert with those experts.

Under the strategy native vegetation is being planted in the riparian zones and on steep slopes and pines are being planted in the intermediate areas. The areas being reviewed for reforestation with pines are being assessed on a micro-catchment basis to ensure riparian protection with buffer zones to pine forest activity, native reforestation on overly steep slopes and minimal hard engineering solutions in road formation to reduce scope for erosion. Hard engineering contributes to accelerated water flow and diversion

that can exacerbate erosion. The cooperative management approach between stakeholders that has been put in place will ensure the return of the lower Cotter to a high quality water catchment zone with multiple uses. But the work to restore our catchments will, of course, be ongoing. I will be asking the catchment management group, established last year to advise the government on these issues to give the preparation of operational guidance for the lower Cotter a high degree of priority.

The group, which includes the interests of all ACT agencies with a stake in catchment management, also includes independent experts. The catchment management group is chaired by Dr Gary Jones, head of the Ewater Cooperative Research Centre, with members having experience in health policy, environmental resource management, ACT Forests, Namadgi Park, ACTEW, Environment ACT and the Office of Sustainability.

The Cotter, when restored, will see a layered approach with the use of native vegetation, grasses, shrubs and canopy trees protecting the immediate riparian areas of the catchment. Reafforestation in those areas will complement the catchment management for supply of quality water and the reintroduction of native vegetation to other areas. The government is continuing to monitor and, where necessary, revise or finetune its strategies. This is happening now.

Officers have been in the field for some time undertaking various work and studies in the catchment. However, it should be noted that, while there is always room for improvement, the situation would have been much worse had we not acted at all. We remain committed to seeking and utilising all of the expertise available to us within the ACT, and indeed from within Australia, in relation to the appropriate response to the reafforestation, protection, maintenance and enhancement of our catchments, most particularly, of course, in the Cotter catchment.

This is not an issue that we have taken lightly. We have put enormous effort and resources into it. We are determined to achieve good, sustainable outcomes and we are determined to ensure that the paramount importance of our water supply and our water quality is not jeopardised by anything that we do in our response to restoring the catchments on which we rely. It is not something we have done lightly. We have taken the best advice available to us, the best advice in Australia, as well as internationally recognised advice from pre-eminent scientists and experts in these particular fields. We have acted on that advice, and we will continue to do so.

MRS DUNNE (Ginninderra) (4.22): The role of native vegetation is of considerable importance in managing water quality in catchments. I would have preferred Dr Foskey to come here with a matter of public importance in relation to managing catchments for water quality. Let us not just worry about whether we have native species or native vegetation.

The Chief Minister has given quite a fine exposition of some of the things that are planned in the Cotter catchment. Towards the end of his presentation he made an interesting point. He said that water quality and other matters should not be jeopardised by anything that we do. There are sins of omission, not just sins of commission and I would like to concentrate here on some of the things that we have failed to do in the past three or four years which have brought us to this sorry state.

The first thing we failed to do was put out the fires when they broke out on 8 January. There were people ready to go and put out the fires when they were small fires. There has never been a satisfactory explanation to the people of the ACT why, in the most crucial catchment in this territory, probably one of the best catchments in this country, supplying the best water in this country and probably the world without, as the Chief Minister says, the need for filtration, we not value our catchment sufficiently to put out the fires on 8 January 2003? That is the first sin of omission.

None of us here can be proud of our record in terms of forest fuel management. That applies especially to the Greens. The Greens are entirely without credibility on this matter. For years they have thrown their hands in the air and put their heads in the sand when it comes to the issue of hazard reduction in native forests and national parks and reserves. For years we did not make it a priority and we reaped the whirlwind in January 2003. There were years of bad management of forests and parks. The McLeod report revealed that fire trails had been covered and replanted so that people in recreational vehicles could not access them. Then, when there was a fire to put out, they were not accessible.

Managing water quality in catchments is vitally important to the territory and the government's greatest sin of omission is this government's failure to put together a comprehensive approach to catchment management. We do not have a catchment management authority. We do have a very important committee made up of eminent people, including, as the Chief Minister said, Professor Gary Jones from the Ewater Cooperative Research Centre, as well as experts from cooperative research centres for freshwater ecology and hydrology. That catchment management group is a very important body, but it is not the body that we need. It is a body without teeth. It does not have the authority to make sure that we manage our catchments properly for water. One of the great shibboleths of this place, the one uttered by this Chief Minister on a regular basis, is: "We have secured access to water security for the future through "Think water, act water". The Chief Minister may think that, if he says it often enough, people will start to believe it. But they had better not. "Think water, act water" does not do any of the things that the Chief Minister says it does.

The Chief Minister represents "Think water, act water" as the great panacea, the holy grail of water management in the ACT and region, but it will never achieve its aims, simply because we do not have a catchment management authority able to ensure sufficient water quantity and quality, able to manage our catchments so that they do not burn down. We can sit here and say, "Oh, dear. We're in drought and, you know, we might never turn the corner." But I was really taken by a comment made on television about a week ago by Mr Michael Costello, the head of ACTEW. He was talking about water restrictions and he made a most revealing comment about the so-called minister for water over here that thinks that he knows everything about water. The minister should cringe at Mr Costello's comment. Mr Costello said, "Well, we've got this problem with the Googong catchment. The water falls on the catchment but the water doesn't get into the dam and we don't know why."

Now, I suspect that any sensible, average, man-in-the-street commuter to the Googong catchment, located in the former Yarrowlunla Shire—its new name escapes me at the moment—knows exactly why the water is not getting into the dams. It is because of the

surface dams—the small, domestic, unregulated farm dams, as well as the unregulated use of bores in the area. The groundwater is not being replenished and as a result we do not get run-off into the Googong catchment.

The Googong catchment was once not the most fruitful catchment in the country, but it was a fruitful catchment. The rain is still falling out there, but it is not getting to the dam because we are not ensuring that the catchment is managed properly. Catchment management is a lot more than just talking about native vegetation. Catchment management requires leadership—leadership that we are not getting from this government, leadership that requires this government to go to the New South Wales government and to the federal government and say, “Listen, you fellows. You have responsibilities under federal legislation to ensure that we get high quality water out of the Googong catchment, out of the catchment of the Queanbeyan and Molonglo rivers, and you are not doing anything about it.”

If I were the greatest Chief Minister this territory had ever seen, that is what I would be doing to secure the future of the people of the ACT. But this Chief Minister does nothing. From time to time he says that he has had a little word to Bob Carr, but Bob Carr is not interested because the people of the ACT and the people of Captains Flat and the people of Yarrowlumla Shire are not crucial in returning Bob Carr to power. He is not interested. The Chief Minister should be interested in the level and quantity and quality of water in the Molonglo and Queanbeyan rivers and he does nothing. He does nothing to ensure that we have good quality water for the time to come. Managing our catchments for quality is an important issue. At the outset Dr Foskey said that we needed a holistic approach. It is a shame that she did not bring a holistic approach to this matter under discussion here today and actually talk about the real issues.

Yes, we are losing huge amounts of water through regeneration in the Cotter catchment and we will continue to lose huge amounts of water for possibly 20 years or more. We know that we have huge problems with water quality. The average Canberran who went out to the Cotter on Australia Day saw just how severe our problems with water quality are. The colour of the water is probably best described as café latte. There is no oxygen in the water. The catchment is completely silted up.

This government has failed to manage the catchment. It failed on 8 January to do something about three fires, which became major fires in the water catchment. It sat by and did nothing and that is why, now, we are in this situation of anguishing over whether or not to plant native vegetation in riparian zones. It sound wonderfully poetic, but the reason why we are talking about the need to plant native vegetation in riparian zones is because this government, this Chief Minister and this Minister for Environment failed to put out the fires that destroyed the catchments of the Cotter River on 8 January 2003.

MR GENTLEMAN (Brindabella) (4.31): I, too, thank Dr Foskey for raising the following matter of public importance:

The role of native vegetation in managing catchments for water quality.

The January 2003 bushfires had a catastrophic effect on the ACT and, in particular, on vegetation in the Cotter catchment area. These fires were not a normal fire event; they were a one in 100 year firestorm. In the face of such devastation it is not unexpected that

there would be some impact on soil and water turbidity in the catchment. Notwithstanding that the ACT government embarked on an ambitious program to restore the Cotter catchment and limit long-term damage to the area.

To take account of issues faced by the government while making decisions about the rehabilitation of the lower Cotter catchment, a comprehensive consultation process that incorporated scientific inputs was undertaken. The government acknowledged the need for a comprehensive approach to respond to the impact of bushfires by establishing the non-urban study steering committee. In November 2003 the government released the report of the non-urban study steering committee entitled, *Shaping Our Territory, Final Report: Opportunities for Non-Urban ACT*, which provided 113 recommendations for the best uses of non-urban areas for the sustainable social, environmental and economic development of the territory.

The ACT government largely endorsed those recommendations; established a working group headed by Sandy Hollway to implement the recommendations in the report; agreed that a major feasibility study and master plan be undertaken for long-term planning of the Cotter precinct; agreed that a study be undertaken to determine the best land management options for water catchments including reforestation, riparian vegetation and bushfire management options; and agreed that a study be undertaken to identify areas to be replanted with pines and native species.

The situation that we face in the aftermath of the fires, and even now, is unknown to our advisers. The ACT government initiated significant research and consultation processes to inform its actions to rehabilitate the Cotter catchment. In the absence of a proven model able to take account of the large issues faced by the government in making decisions about rehabilitation of the catchment, a comprehensive consultation process incorporating scientific inputs was undertaken. That included inputs from a large range of community, scientific and academic organisations including the Cooperative Research Centre for Fresh Water Ecology, the Cooperative Research Centre for Hydrology, Greening Australia, the ANU Centre for Resource and Environmental Studies, or CRES, and ActewAGL.

Each of those specialist groups has drawn on models, long-term research results and empirical data relating to their specific fields of expertise. That information has been synthesised during a series of meetings, workshops and field visits to develop the sub-catchment level rehabilitation plan for the Pierces Creek and Dry Creek sub-catchment. That plan takes account of land-use requirements, including fire abatement zones, riparian area establishment and enhancement, cultural site protection and buffering, recreational facilities, potential rural development sites, steep areas that are inappropriate for re-establishment with pine plantation, pine plantations that are to be removed and replaced with native species to enhance boundary management and improve fire protection, roads to be upgraded to enhance fire management capability, roads to be removed to reduce sediment and runoff issues thus enhancing water quality, and road drainage and erosion mitigation systems to be redesigned and upgraded to reduce sediment runoff.

As part of the integrated approach to rehabilitation of the burnt plantation sites, Greening Australia is working closely with ACT government agencies. To date there have been four public tree-planting events which have seen hundreds of volunteers plant thousands

of native trees and shrubs in the burnt out sites. I have taken part in these plantings and further events are planned throughout the year. To augment the work undertaken to date, the Forest Road Research Group, UNSW ADFA, the ANU Centre for Resource and Environmental Studies and Greening Australia are undertaking a coordinated research effort in the lower Cotter catchment. That work is designed to gather further scientific data to assist the development of models for future land management decisions.

The approach taken in relation to replanting in the Cotter area is quite sophisticated and is consistent with the recommendations in the November 2003 *Shaping Our Territory* report. The approach also accords with the design principles developed by ACT Forests and a group of experts including Professor Peter Kanowski, Professor David Lindenmyer and Professor Bob Wasson, all from the ANU, as mentioned previously by the minister. Under this strategy, native vegetation is being planted in riparian zones and on steep slopes, and pines could be planted in appropriate areas. Key actions being implemented include management of land within the Cotter catchment with the primary objective of maximising water quality and, in particular, minimising turbidity.

As a first priority, revegetation of riparian zones with native species should occur. ACT government agencies should determine the appropriate width of riparian zones, which will vary with stream, landform and soil characteristics, to achieve water quality goals. Revegetation should be conducted in partnership with relevant community organisations, for example, Greening Australia, as appropriate. Government agencies should also attend to the rationalisation of the forest road network and upgrade the design and runoff aspects of remaining roads with the objective of preventing sediment flows into streams and the Cotter dam.

Suitable vegetation should be restored as soon as practicable across the balance of the catchment area. As I have indicated, our advisers have informed us that there is no proven model for rehabilitation from this natural disaster. We are beginning to implement strategies based on a range of expert advice. The next step is to monitor what we have done, receive feedback and adapt management to the new lessons learned. I assure the Assembly that the government is committed to the protection of our water supply and its quality at its source while at the same time recognising the multiple use by our community of some catchment areas.

MRS TEMPORARY DEPUTY SPEAKER (Mrs Burke): The discussion is concluded.

Legal Affairs—Standing Committee Scrutiny report 2

MR STEFANIAK (Ginninderra) I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 2, dated 14 February 2005, together with the relevant minutes of proceedings.

MR STEFANIAK: I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny report 2 contains the committee's comments on 10 bills and three government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Health Records (Privacy and Access) Amendment Bill 2005

Ms Gallagher, on behalf of **Mr Corbell**, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.40): I move:

That this bill be agreed to in principle.

This amendment to the Health Records (Privacy and Access) Act 1997 gives protection to the identity of persons making reports to Care and Protection Services under the Children and Young People Act 1999. The Children and Young People Act 1999 commenced operation in May 2000. Within the act there are sections addressing the confidentiality of information received by both mandatory and voluntary reporters under the act. The Health Records (Privacy and Access) Act 1997 commenced operation in February 1998. The intention of this legislation is to provide for the privacy and integrity of, and access to, personal health information.

Recently, consideration of the interaction between these two pieces of legislation has indicated that an agency's internal record of reports made under the Children and Young People Act 1999 can be provided to persons who make an application under the Health Records (Privacy and Access) Act 1997, because in most cases that document will be a health record. That has implications for all agencies, not just ACT Health. Records or parts of records held by ACT Health, the departments of Education and Training, Disability, Housing and Community Services, Justice and Community Services and non-government funded agencies, general practitioners and other allied health providers will fall within the definition of a health record.

In particular, an agency's record of a mandated or voluntary report to the chief executive under the Children and Young People Act 1999 will almost invariably be a health record for the purposes of this legislation. In short, when a reporter makes a report under either the voluntary or mandatory provisions of the Children and Young People Act 1999 and keeps a copy of the written report or notes of the action, those internal records may be available to a person when requested under the Health Records (Privacy and Access) Act 1997. The identification of a reporter and his or her information could place the child or young person, other adults, the reporter, and agency staff at risk.

This bill amends the Health Records (Privacy and Access) Act 1997 to prohibit access to a health record, or part of a health record, if that record, or part of a record, identifies a person who made a report under either the voluntary or mandatory reporting provisions of the Children and Young People Act 1999, or if the record keeper is satisfied that the

identity of the reporter could be worked out from the record or part of a record. The need for this amendment has been considered and supported by the ACT Health Child Protection Advisory Group, which comprises senior clinicians from ACT Health, representatives of the Office of Children, Youth and Family Support and the Division of General Practice.

The government will also provide advice to other ACT government agencies, community organisations, general practice and other private medical providers regarding the ramifications of these amendments. This amendment will protect the identity of reporters while minimising the extent to which information under the Health Records (Privacy and Access) Act 1997 is withheld.

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

Dangerous Substances (Asbestos) Amendment Bill 2005

Ms Gallagher, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.44): I move:

That this bill be agreed to in principle.

The Dangerous Substances (Asbestos) Amendment Bill 2005 will amend the Dangerous Substances (Asbestos) Amendment Act 2004. This bill will improve the clarity of the operation of the act in time for its proposed implementation in April this year. Most members of this Assembly will recall that the Dangerous Substances Act 2004 was amended in August last year by the insertion of new provisions dealing with the provision of information about asbestos on premises. Members may recall the context of those amendments. The government, the opposition and crossbenchers significantly amended a bill presented by Mrs Helen Cross, a former member of the Assembly.

Mrs Cross supported many of the amendments, the consensus of the Assembly at the time being, in effect, that legislation relating to provision of information about asbestos material must be clear, equitable and reasonably simple to comply with. One of the core issues debated at that time focused on the insertion of a new section 47J into the Dangerous Substances Act 2004 to require owners and occupiers to provide required information about the presence of asbestos at their premises. Section 47J is due to commence operation on 1 March 2005. The section would apply when an owner or occupier knows, or ought reasonably to know, that there is asbestos at the premises. That knowledge would give rise to a duty of care to provide information to persons at risk.

As it stands, the information to be provided includes up to date information about the location and condition of asbestos. It has been brought to the government's attention that there is some concern about the times at which, and the extent to which, an owner or occupier is required to make further inquiries about the presence of asbestos at his or her

premises in order to comply with the new provision. This is a concern that the Assembly, in August 2004, was at pains to avoid. In the course of debate on 25 August 2004, I said:

This duty will be imposed only upon persons who have actual knowledge of the existence of asbestos, or who ought reasonably to know about the presence of asbestos, but no requirement to discover whether asbestos exists will be imposed. Owners and persons in control of buildings will have a duty to undertake an asbestos inspection only when the building is in a high-risk category and the building owner is undertaking a high-risk activity under proposed section 47K. What will constitute a high-risk activity will be determined by the proposed study and included in regulations, although we can assume that the likely disturbance of asbestos would lead to an activity being classed as high risk.

For those reasons it was determined that section 47K of the act, which imposes an obligation to investigate the presence of asbestos when high-risk activities are to be undertaken, and section 47L, which imposes an obligation to furnish a report for properties listed for sale, will not commence operation until 16 January 2006. Section 47J, however, is due to commence operation on 1 March in advance of the remaining provisions of the act. That is because it was appropriate to move promptly to ensure people impart actual knowledge about asbestos to those at risk of suffering its effects.

The government established the Asbestos Assessment Task Force to undertake an analysis of asbestos in the ACT and report later this year. I expect that a significant component of that analysis will involve discussion of the operation of section 47J. There will be ample opportunity to discuss the performance of this new legislation after the task force reports. In the meantime it is essential to the successful implementation of the information requirement in the act that the scope of the operation of the new provisions be made clear. The concerns are best summarised and dealt with as follows.

The words “ought reasonably to know”, in section 47J(1), have raised the concern that the obligation of an owner or occupier of premises goes beyond giving to a person information based on actual, or current, knowledge, requiring the person to discover information that may be considered to be information he or she ought reasonably to know. This bill removes the expression “ought reasonably to know” from section 47J so that it clearly requires information to be given only about what the owner or occupier actually knows about the premises, without the need for further investigation.

The effect of the amendment is that section 47J of the act will now clearly require only that persons must give whatever information they have about asbestos at their premises. After the commencement of sections 47K and 47L information obtained for the purposes of those provisions will also need to be given to relevant persons. There is concern about the obligation to provide required information, which is defined as including up-to-date information about both the location and the condition of asbestos. That may not be something the average owner or occupier could furnish with confidence. It was not the intention of the government to require people to obtain the services of an expert in respect of this duty.

The bill replaces the reference to “required information” with a reference to “what the owner or occupier knows”. The definition of “required information” is relocated to section 47K to ensure that the reference to up-to-date information about the location and condition of asbestos is not taken to imply a requirement to obtain current information in

section 47J. The existing definition should continue to apply to the conduct of an investigation under section 47K and to the provision of a report under section 47L. It is also argued that the identification in section 47J(2) of the class of persons who should be given information—a person at risk—is unclear. Some members of the community are concerned that the expression might extend as far as hotel and motel guests and so on.

There is apparent confusion because the use of the term “tenant” as a class of “persons at risk” is not defined. To put the matter beyond doubt, section 47J is amended to define a tenant as a tenant under the Residential Tenancies Act 1997 and the Leases (Commercial and Retail) Act 2001, or as otherwise prescribed. The expression “person at risk” has been replaced by the expression “relevant person” to define a person who may not be at risk but who should be advised about asbestos in case the risk arises.

Finally, the bill amends the commencement provision of the act to allow section 47J to commence no later than 4 April 2005. Without this amendment, section 47J would commence on 1 March this year in accordance with section 79 of the Legislation Act 2001, which states that if a postponed law has not commenced within six months beginning on its notification day it automatically commences on the first day after that period. The Dangerous Substances (Asbestos) Amendment Act was notified on 31 August 2004. The amendment follows a recommendation of the Asbestos Assessment Task Force in relation to the need to ensure that the public information program planned by the task force can commence as smoothly and effectively as possible.

Given the need for other amendments to the act, the proposed delay is entirely appropriate. In summary, the proposed amendments in this bill have two important effects: firstly, to clarify the intended scope of section 47J of the act relating to the obligation to provide information about asbestos; and, secondly, to postpone the operation of section 47J until 4 April 2005 to allow the effective implementation of the government’s asbestos awareness program.

There may be other amendments to the Dangerous Substances Act following the report of the task force later in the year. In the meantime, these amendments will ensure that there will be a minimum of confusion about the obligation of owners and occupants to inform people about asbestos on premises. That is an important objective and one that I believe this Assembly should support. The short delay in the commencement of the obligation will allow the task force to steer the implementation of the act in this way—in the way this Assembly or the previous Assembly intended when the act was passed in August. The task force, which has been progressing its agenda very well, is deserving of the Assembly’s support in achieving a proper staging of this program.

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

Government Procurement Amendment Bill 2004

Debate resumed from 9 December 2004, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (4.53): The opposition supports this bill. The purpose of the bill is to prevent public disclosure of information such as design drawings,

specifications and other technical data on territory infrastructure and buildings that could fall into the wrong hands and be used to endanger public safety. The government is obviously concerned that if detailed information on the layout and operation of certain important public buildings and infrastructure were publicly available, terrorists and criminals could use it. The proposed amendments would expand the scope of confidential material to include plans, drawings and specifications that could be used to jeopardise public safety. At present, non-disclosable information relates only to details of individuals and material deemed to be commercial in confidence.

Regrettably, this bill is a reflection of the way in which the world is changing. What used to be safe is no longer safe. Since the events of 11 September we have all had to look more carefully at society's vulnerability to attack from terrorists. Public buildings, even in this country, are at greater risk than they used to be. We have only to look at what has happened at federal Parliament House. How different it is now compared with the building that was opened in 1988. Yesterday, when I was conferring with the industrial relations minister, I noticed the construction of a wall that was fairly unsightly but that sadly appears necessary in the current climate.

If Parliament House were being built today would the plans, drawings, specifications and other technical data be kept confidential? How much did the Chief Minister, the Assembly's resident civil libertarian, agonise over this bill? He must have had some doubts about the steady drift to secrecy in the name of greater security. In the trade-off between open disclosure and accountability versus protecting the community from risks, the government has come down on the side of reducing risk. We do not take issue with that general principle. The minister cited Woden police station and the ACT prison as examples of where the disclosure of detailed information on design and operation could put the community at risk due to use of that information by people who want to inflict harm, which I think is a reasonable argument.

The key questions that the minister will have to address in each case are: how much information should be made available and to whom should it be disclosed, bearing in mind the need to preserve public safety and security? I have one small concern about this bill. It is possible that it might prevent information being made fully available to the Assembly and thus diminish the effectiveness of this legislature in scrutinising the executive and keeping it accountable. I have therefore proposed an amendment to remove any doubt about the power of the Assembly to send for papers and records and to be fully informed of the government's plans in this regard.

DR FOSKEY (Molonglo) (4.56): The ACT Greens support this bill. However, because it limits public access to some information it warrants a closer look. The ACT as a municipality is quite good at making information on procurement contracts open to the public. It appears that the tendency to resist disclosure by describing almost every deal with government as commercial in confidence has ended, partly as a result of the Assembly amending and passing Independent MLA Paul Osborne's Public Access to Government Contracts Bill 2000, which required the public release of all government procurement contracts with a specified schedule of confidential exemptions.

That regime was then cleaned up with the passage of the Government Procurement Amendment Bill 2003 when the legislation was consolidated into one act, including a provision that required the reporting to the Auditor-General of contracts with text

classified as confidential regardless of the reason for such classification. So for most intents and purposes, public disclosure is the default position, although the view of the Auditor-General might be sought in the future as to the efficacy of the exemption categories and process. Until now, those exemptions were: an unreasonable disclosure of information that was personal or about the business affairs of a person; trade secrets; information having a commercial value that could be diminished if disclosed; and any requirement imposed under law.

One of the consequences of the recently changed security environment in the developed world is that governments are taking a more cautious view on attack and disruption. Procurement contracts can be complex and extensive documents. Detailed floor plans, wiring diagrams and air circulation systems, which are available under the current act, could be an advantage to someone wishing to disrupt the operations of a hospital, police station, jail or emergency service headquarters. It is inarguable that the government has a responsibility to ensure that its commitment to public disclosure is balanced against the risk of disruption and violent attack. While the possibility of such actions may be small, though not as small as we might hope, the impact could be enormous.

In that context, introducing to the list of exemptions information that may put public safety or the security of the territory at risk makes a lot of sense. However, this bill raises another issue, that is, it gives the executive the power to describe other information that could be protected from disclosure. There is an ongoing exchange between the government and the Scrutiny of Bills Committee over the government's tendency to give ministers wide-ranging powers through regulation. Invariably, when that issue is raised the government's response is that the Assembly can disallow regulations. We are all aware that regulations are not subject to the same level of public awareness and scrutiny as are bills and nor are they examined as closely by the Assembly. While regulation making is convenient to the government, the changes that are effected can sometimes sneak in.

When Dan Stubbs, former director of ACTCOSS, gave his farewell speech in our reception room he raised concerns about the blurred lines of control and responsibility between ministers and public servants. In other words, he argued that some ACT public servants exercise a control over policy that ought to rest with ministers. In part, that flowed from the fact that the ACT government is a fairly recent invention. Prior to that the territory was run, in effect, by a small section of the Commonwealth public service. The situation is compounded by the fact that ministers have wide-ranging responsibilities across a number of departments and agencies, which I do not think is desirable.

I suggest that the regulation making powers, while vested in the minister, rest more with public servants than does the introduction of bills. The more that legislation is affected by regulation the more the government is led by the public service. That is not to say that the ACT public service does not include talented and effective professionals who deliver high quality services to the Canberra community; we do very well out of many of our agencies and officers. However, I think that the use of regulations must be balanced by much tighter scrutiny and, I would argue, a more serious regard for the government and the Assembly.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (5.01), in reply: I thank members for their support. This is relatively simple legislation and I think the objective behind it is quite clear.

I just want to address a couple of things that have just been said, though. I do not follow the comment by Dr Foskey that there has been a tendency to give governments unfettered powers. I suspect that this government—the government as opposed to the legislature—and the ACT probably have the least amount of power and freedom, simply because we have enjoyed, or otherwise, minority governments. The majority on the floor have been able to impose, from time to time, accountability controls, most of which I think have a reasonable and sensible basis and most of which, to my recollection, have been exercised responsibly.

When I was on that side of the house, there were a few things that I saw that were a bit silly, like putting together financial statements once a month, which was just an imposition on Treasury to turn out statements that told us absolutely nothing. In fact, I moved from that side of the house to reduce those statements to quarterly, with a commitment from the government at the time that they would be more meaningful. So I do not agree with and do not accept that comment. It is pretty much a throwaway line, but it is probably something this place would need to debate at a future time.

It is worthy of debate that we look at the style of government and look at the amount of responsibility ministers have versus the amount of responsibility administrators have. I would suggest that we really need, in the future, if we are not to expand the size of this place inordinately, to actually give administrators more responsibility rather than less, in order that ministers can reasonably exercise all of the responsibilities that they carry, because I think any fair-minded person—most of the people in here I judge as fair minded—would agree that the workload on all of us, in one way or another in our roles, is fairly horrendous and we ought to look at how we provide good government within the limited size of the Assembly that we have.

There is a concern about the making of regulations—and we do have a circular process. Yes, the minister can make a regulation but it is subject to disallowance within the Assembly. But the government has a majority in the Assembly, so I do not really like your chances of getting a disallowance on most occasions. And it does mean that, like in many other things that occur, the power of public debate will be probably more effective in trying to build somehow a structure that says a government with an elected majority would still have its governing powers restricted. It is not going to happen of course, but I just wanted to make that particular comment.

I want to close by saying that the amendments in this bill will not result in non-sensitive information being withheld from public disclosure. The names of contracting parties, contract amounts, public texts of contracts, including the general scope of work, will still be lodged and accessible to the public on the notifiable contracts register via the BASIS website. It just happens that, in this day and age, everybody has agreed that there is certain information that needs to be held confidential and it is, at the end of the day, the government's responsibility to administer that confidentiality.

I thank members for their input and I look forward to the wider debate on accountability and whether we need to change that and whether we could return to a previous Assembly

and have two or three people who claim that their major role was keeping the bastards honest. There were too many bastards keeping the bastards honest, I think, and not enough bastards actually doing something. I would like to think that we are all here to be working positively for good government in the territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 5, by leave, taken together and agreed to.

Proposed new clauses 6 and 7.

MR MULCAHY (Molonglo) (5.07): I move amendment No 1 circulated in my name, which inserts new clauses 6 and 7 [*see schedule 1 at page 447*].

Mr Speaker, I foreshadowed that there was an area of some concern that I had in relation to the very issue of accountability. There is a matter of some debate as to whether this would intersect with other powers of the Assembly to produce papers, documents and so forth. But on the basis of advice I have taken, to remove any doubt at all, this amendment should be incorporated. I have signalled this to the government in the hope that it will support this amendment because I think it is consistent still with the spirit of the legislation, but it continues to ensure that the Assembly and its committees have the opportunity, if required—and terms can be determined—to review such confidential material, as has happened in other situations in this Assembly.

DR FOSKEY (Molonglo) (5.08): I want to speak briefly to the fact that I will be supporting the amendment. It probably is not necessary. It would seem that a committee can already call for papers which include confidential information and that it would be expected to view such material in camera. If that is the way that it works, then we can probably be assured that this bill will not lessen the scrutiny that we would like the Assembly to have over government contracts and operations. On the other hand, given that the government can add, by regulation, any other matters to the lists of confidential items, and that those matters are not yet determined, I see no harm in explicitly stating that the power of committees to call for papers is not limited by these provisions of the act.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (5.09): The government will not accept this amendment, for pretty obvious reasons. Dr Foskey has said she is going to support it even though it is unnecessary. We will not be supporting it because it is unnecessary. So we are in agreement as to the necessity for it. I have an oral opinion, on the fly, from the Auditor-General—oral opinion, of course, is not worth the paper it is written on. Nevertheless, it advises me that it is entirely superfluous.

The power and the right of committees to call for such information are at the core of the Westminster system and go back several centuries or something. I see the Clerk nodding. If we start down the path of putting into our legislation superfluous clauses, just for their

own sake, I think we are going to waste a lot of each other's time. I would just go back to the point that I made earlier: let's work together for a decent government in the territory.

MR MULCAHY (Molonglo) (5.10): Mr Speaker, obviously I am disappointed that the amendment will not be accepted. It is not a case of saying that every piece of legislation that comes before the Assembly needs these sorts of provisions incorporated. We are in some respects moving into a different era where we have new types of legislation to deal with matters of security and public safety. This was not a frivolous amendment, and I appreciate Dr Foskey's support.

I am not sure of the legal capacities of the Auditor-General's office but in fact I did confer with Parliamentary Counsel and, after some discussion, it was agreed—and I was advised—that there was some element of doubt about our capacity to operate if this bill is passed without these amendments. In the spirit of transparency, accountability and respecting the work of the Assembly and the committees of the Assembly, I would have thought it incumbent on the government to ensure that that measure of comfort can be enjoyed by the people of the ACT, that there continues to be an adequate safeguard on the scrutiny of these matters.

Question put:

That the **Mr Mulcahy's** amendment be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Ms Gallagher	Ms Porter
Dr Foskey	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Mulcahy		Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

Title agreed to.

Bill agreed to.

Revenue Legislation Repeal Bill 2004

Debate resumed from 9 December 2004, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (5.15): Mr Speaker, the opposition is pleased to support this bill because, indeed, in some ways it goes towards implementing Liberal Party policy. I commend the Treasurer for his understanding of the correctness of that policy. The bill could and should go much further but at least it is a promising start. Members in this place will recall that the Liberal Party went to the recent election with a policy of eliminating the high-cost, inefficient transaction taxes that bedevil investment and commerce in the ACT. I am pleased to see that the Treasurer used the word "inefficient" to describe these taxes. It certainly shows an appreciation on his part which, I am sure, is

shared by his colleagues, of how damaging to investment, economic growth and employment some of these taxes can be.

The key argument in favour of the goods and services tax under a new tax system was that it would allow for the removal of a raft of inefficient taxes which raised little revenue, suppressed investment, reduced trade and incurred high compliance costs. In 2000, when the GST was introduced, all governments in Australia agreed to make a start on getting rid of these taxes. Sadly, progress has been rather slow. From 1 July 2000 wholesale sales tax on petroleum, liquor and tobacco was abolished. Bed taxes were also abolished in both Sydney and the Northern Territory. From 1 July 2001 financial institutions duty and stamp duties on marketable securities were abolished.

The Financial Institutions Duty Act has remained in force to provide for the lodgement of late returns and assessment of liability discovered after that date. The FID Act is now redundant; so it is being repealed in this bill. Ministers also agreed to abolish debits tax from 1 July 2005. However, the Debits Tax Act will continue until 1 July 2006 to allow for the collection of tax incurred but not paid before 1 July 2005, and this bill gives effect to that agreement.

Several taxes remain, however, including taxes on hiring arrangements, leases, mortgages, life insurance, business acquisitions, cheques, bills of exchange and unquotable marketable securities. These taxes must eventually be eliminated.

I pointed out, Mr Speaker, last December that ACT taxpayers should be better off by more than \$240 million in the next four years as a result of replacing the raft of job-destroying taxes and the old grants scheme within the goods and services tax under the intergovernmental arrangement. Indeed, the commonwealth government's mid-year economic and fiscal outlook found that the ACT would be better off by almost \$250 million over the next four years due to the combined effect of GST payments and national competition payments.

Without doubt there has been a windfall gain in GST collections which can be used, sensibly, to deliver tax reductions to the people of the ACT, and that is why the Liberal opposition, as part of its election commitments in 2004, promised to cut eight taxes, thereby removing some \$25 million per year from the burden carried by business and individuals in the ACT. Such taxes included debits tax, duty on certain marketable securities, duty on hiring arrangements, duty on leases and reductions in payroll tax—a most harmful tax in terms of the impact on employment and job creation in the territory. The revenue forgone would be more than offset by GST payments and the boost to activity on the part of business and individuals. There would also be new opportunities created in a less restrictive economic climate. Obviously, fewer taxes mean more funds available for investment and job creation.

It is disappointing to read the document tabled today, which was the budget mid-year review. I might quote from it. It reports that the abolition of the IGA taxes will be discussed at the Treasurers Conference in March 2005 with the federal Treasurer who is likely to seek state agreement to a program of rolling tax reform over the four years. I had the opportunity to meet with the federal Treasurer briefly yesterday. Those initiatives will deliver great benefits to the Australian people.

Sadly, however, when we look further into this report, the observations are made that the flow-on budgetary effects of the review are not yet known. It is reported that revenue to the ACT from these taxes is estimated at approximately \$47 million in the financial year 2005-2006. However, the abolition of the largest of these taxes, stamp duty on non-residential conveyancing, of approximately \$33 million, is likely to be deferred for a number of years. And it is disappointing that it has got such a long-term view in terms of tax reform and reductions not being a matter of priority. Indeed, property taxes are in particular need of urgent review and reform if we are to maintain investor interest in the Australian Capital Territory.

I do not believe that the government in the ACT has taken full advantage of the benefits flowing out of GST since its introduction. We hear possible future economic challenges being bemoaned but we see little hope for the people in this city, our taxpayers and our small business people in particular, that the windfall gains and revenue from GST will be applied to make the ACT a more tax competitive and business friendly environment. There has been the opportunity to move the ACT ahead as the best place in Australia to live and do business. The government has failed to take the initiative, especially during the years of buoyant economic activity, much of which has been due to the initiatives that have been taken on an Australia-wide basis. I find it curious that New South Wales was able to abolish their debits tax on 1 January 2002, yet we have waited until July 2005.

There are more taxes to eliminate, so why not give ourselves an advantage over other locations in Australia? This government's record in terms of tax has been somewhat blemished by its attempts to implement or consider new taxes or even expand current tax measures. I cite, for example, issues such as rates, bushfire tax and the mooted parking space tax, a tax that has caused great concern to many operators in the property area and in the hotel industry in the ACT. In light of the threat, the people of Canberra must be relieved at least to see this bill, which provides some measure of relief.

DR FOSKEY (Molonglo) (5.22): The ACT Greens are supporting this bill. It gives final effect to the abolition of the financial institutions duty and also ends the debits tax relating to all transactions after July 2005. The abolition of these two taxes is part of the intergovernmental agreement on the reform of commonwealth/state financial relations. We certainly do not have a problem with removing these two taxes, which were not particularly progressive or purposeful and have in effect been usurped by the socially regressive GST. I might also take this opportunity to make the point that we do not think the ACT government collects too much revenue, financial institutions duty and debits tax notwithstanding. So we do not agree with the Liberal Party.

The community sector, home to the most responsive and innovative deliverers of and advocates for social services, runs on funds that are so limited as to threaten its viability. That is the next funding challenge for the government. As a community, we can and should also see an increase in social housing stock. We should see a much greater commitment to energy and water design in all our buildings, a public transport system second to none, and we should develop both the ecological resources around the city and the cultural resources within it. All of these things require funding, at least some of which will need to come from government. Removing these small taxes makes sense. But other changes to revenue raising are also needed so that we can maintain viability in

the community sector and walk the talk about ecological sustainability and good planning.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (5.24), in reply: I thank the house for the general support of the bill. I would like to respond to a couple of comments—and Dr Foskey got it right—that the abolition of these taxes is part of the intergovernmental agreement that facilitated states' and territories' acceptance of the introduction of the GST. So it was a very brave move to go to the electorate last year promising to cut a tax. If you look at our budget from last year or the year before, you will see that these taxes are scheduled to be phased out anyway—and they have been phased out, consistent with an agreed timetable that was associated with the intergovernmental agreement.

But what concerns me out of today's debate is Mr Mulcahy starting to mouth the right wing orthodoxy that, if you lower cost to business, everybody will gain. I am just a bit suspicious of that. With what little understanding I have of economics, I do not believe that there are many perfect markets and very many perfect balances that can be struck and there is no certainty that a reduction in any business tax will necessarily flow back to the benefit of the community of the ACT.

Through you, Mr Speaker, I would counsel Mr Mulcahy that, to actually become a cipher for the federal Treasurer by name-dropping, on the one hand, and in fact repeating his opinion, he might be doing this territory squarely in the eye. What has followed from the introduction of the GST—and if you have not been under a rock you will know it—has been a succession or a conga line, as we like to say these days, of federal ministers who have claimed the states and territories have done so well out of the GST that they ought to take more responsibility for aged care, health, education or whatever.

There is a process now being peddled—and has been peddled over the past year or two—by the federal Treasurer of cost-shifting to the states and territories. If you want to be complicit in that, you will, as I said, be doing a grave disservice to the territory that you are supposed to serve. That process will continue and, mark my words, we will see at the Treasurers Council next month a stronger run at the abolition of taxes and the abolition of state revenue by the federal government—a federal government that over the years, particularly over recent years, has had a far greater growth in its total share of the tax cake than have the states and territories. That is a fact.

So what needs to be done, what people in this Assembly need to do, is, in the first instance, remember that they represent the people of the ACT. There will be considerable pressure on special purpose payments, on state government agreements in various areas, applied by the federal government to all the states including the ACT.

You mentioned, in terms of the benefits that accrued to the states and territories, a sum of money that included national competition payments. They have just been withdrawn. The territory is now in an arm wrestle over what is euphemistically termed special revenue assistance. But it should be genuinely assessed funds and grants that should come to the ACT via the Grants Commission to put us in an equal position with other states and territories but, because he can, the federal Treasurer is working to abolish those, to pinch the miserable \$14 million a year from the territory. That is his attitude. So

do the territory a favour, do the people of Canberra a favour and do not become an echo of Peter Costello. Thank you for your support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

Fashion parade

MR SMYTH (Brindabella—Leader of the Opposition) (5.29): I wish to bring to the attention of the Assembly a fashion parade that occurred at the National Museum of Australia on the 14th of last month called Eclection—it is a word put together by the students of the CIT who actually put the exhibition on—to reflect what they see as an eclectic collection of their fashion and design.

What we had, Mr Speaker, was 14 graduating designers who had done the three-year course, who had gone out and raised sponsorship of some \$70,000 to put on a show, to say to the people of Canberra, indeed to the people of Australia, that there is the genesis of a fashion industry here and it is worthy of support. Many of them said to me that they regret the fact that they have to go to Sydney or Melbourne, because they would much prefer to stay here and be part of a fashion industry that could grow in the ACT, if it had some support.

So I am quite willing to give them that support. To designers like Aaron Paul Luke, Maria Maung, Kate Reilly, Haley Pearce, Alisa O'Connor, Annelies Duijnhoven, Alice De Barlinge, Olivia Bartley, Kate Beattie, Anna Crossley, Alicia Ferguson, Meagan Fraser, Kristal Bateman and Bronwyn Bowerman, who formed the graduating class for the CIT design course of 2004, I would say congratulations on what you presented. What they presented, Mr Speaker, was a range of fashion items all the way from very high-class bridal wear through to fashion accessories for younger ACT residents. I think, in the main, the assessment from the crowd—and certainly from the media—was that most of them had a future in the industry.

To the sponsors, the National Museum of Australia, Audio Solutions, Models dot com, Intercoiffure, the Hyatt Hotel, bytes 'n colours, Canberra Make-Up Academy, City News, Huon and the Canberra Centre: well done. To the other sponsors, Stock Jeans, Richard Luton, L'Oreal, Lennox, O'Connor McNamara, Minque, who provided the after-party party, ActewAGL, CIT, Hamish Gregory Photography, Eles Lee Photography and CITSA: the \$70,000 that you put in was, I think, a validation of what

you saw as the talent of young Canberrans and a validation of the fact that there are other industries that can be developed here in the ACT.

The group of graduates actually finish by saying in their book—and I will read it out:

Finally, a very, very special thanks to Camille Ducker, Ruth Hingston, Lucile Carson, Kaylene Bradley and all the fashion and design staff at The Canberra Institute of Technology; your continuous patience, support and encouragement will never be forgotten. It has been a wonderful journey.

So I bring Election to the attention of the Assembly. Mr Speaker, there are some very bright young Canberrans out there; we should be supporting them. There are some very big opportunities in new and exciting industries and we should be supporting them also.

ACTION

MS PORTER (Ginninderra) (5.32): I bring to the attention of the Assembly the government's success in targeting adults as passengers on our public transport system. Last week the government's milestone of 20,000 adult passengers boarding in one day was broken three times. On Tuesday, 8 February, 20,128 adult passengers took ACTION buses, on Wednesday, 9 February, 20,265 adult passengers took ACTION buses and on Thursday, 10 February, 20,532 adult passengers took ACTION buses—a fantastic achievement. This government has a strong commitment to creating a sustainable transport system. It has introduced a number of initiatives to encourage Canberrans to consider public transport as an alternative, and those initiatives are working.

The government's initiatives include: "One Fare. Anywhere"; the Xpresso service; a new dial-a-bus service for Weston Creek; airconditioned buses; and much more user-friendly buses for disabled people. Members would be aware that a dedicated bus way is being planned—one of the aims of this government to make public transport more convenient and attractive and a viable alternative for adults travelling to work or to any other activity. This government is committed to the environment and to sustainable transport. It is great news that it has passed its 20,000-passenger milestone.

Sport and recreation

MR STEFANIAK (Ginninderra) (5.34): I recommend the 313 service to Belconnen! I refer to a meeting that I understand was held today—I certainly commend its outcome to the government—concerning the lack of sporting and recreation facilities in Gungahlin. Gungahlin is a growing area in the Canberra region. For some time residents have been concerned about the lack of grounds, especially for junior cricket, and there is a burgeoning demand for grounds for junior football, soccer and other sports.

I hope that the government, the Minister for Sport and other ministers will address this issue in the forthcoming budget. It is important that we provide and plan regularly for adequate sporting and recreational facilities for the people of Canberra, in particular, young people. There appears to be a growing need for those facilities. Over the past few years I have had an increase in representations from people concerned about the fact that the development of facilities is not keeping up with demand. I impress upon government ministers the need to address that issue in the budget. I think it is a case of "Watch this space."

While I am on a sporting note, I congratulate a Belconnen-based team, the Belconnen Blue Devils, on their win over the weekend in Sydney. It was great to see the team achieving a very good win. That will stand it in good stead for the rest of the competition.

Tonight is an historic occasion. A Canberra team that has had immense success over the last decade—it has won two Super 12 finals—is celebrating its 10th birthday and launching the season. The Brumbies have done Canberra, rugby and Australia proud. As a result of their exciting and innovative play we have seen the development of young players—players who started off in 1996 as rejects from other states but who in many instances went on to get guernseys for Australia.

They have brought much credit to themselves and to this region. I am sure that all members wish them well on their 10th anniversary and thank them for being fine ambassadors for the ACT. Since 1996 no other Australian side has made it to a final. The Brumbies have won two Super 12 finals. Australia would not have won the World Cup in 1999 if it were not for the huge efforts of the Brumbies and their coach Rod McQueen. We are lucky to have the Brumbies. I congratulate them on their 10th birthday and wish them a good season when it starts later this month.

ACT Housing

MRS DUNNE (Ginninderra) (5.37): I bring to the attention of the house what can only be described as a monumental failure on the part of ACT Housing in relation to a constituent family of mine. I have known the members of this family since 1989. As students from the People's Republic of China they were left in limbo as a result of the Tiananmen Square massacre. This family has become part of the Canberra community. Both the husband and wife completed their post-graduate studies and became active members of the ACT community. Over the years they produced four children who are now making their way through the ACT education system.

In 2002 this family was struck with great tragedy when the mother was diagnosed with breast cancer. She has now mostly recovered from that cancer but it caused the family much stress. I was able to give that family some assistance at the time. The family was faced with additional stress. In addition to the six immediate family members, five other extended family members were living in the house. Noise was a huge impediment to the recovery of the mother who became increasingly ill as a result of her cancer treatment. My constituent's mother, brother, wife and children applied to ACT Housing for a house because they could no longer live in this 11-person household. What followed can only be described as a comedy of errors—a monumental stuff-up in relation to this issue.

The first application was made in March 2002. ACT Housing said that some of the family members were not eligible for housing assistance because they had not been resident in Australia long enough, so the application was split. ACT Housing advised them that even if they received housing approval the wait would be so long they would be better off going into the private market.

MR SPEAKER: What year was that?

MRS DUNNE: It was in March 2002. Following the advice of ACT Housing they went into the private housing market. My constituent, who had a sick wife and four children, got together enough money from his salary to put his mother, brother and the family into private accommodation but, as a result, they lost their place on the housing list. They have made four separate applications and it has been suggested to them that they should split up the application. At one stage ACT Housing gave housing approval to the grandmother and infant son but not to the parents of the infant son or to his brother. ACT Housing allocated the grandmother an approved procurement unit, although medical records show that she was sufficiently ill that she should not live alone.

My constituent made a mistake: the family was eventually put on the category 1 housing list and offered a house in an area that was not very convenient for those who had to travel to look after the mother and get her to hospital and to doctors appointments. On the advice of ACT Housing family members declined the first offer of a house because they were told that they would be entitled to a second offer. They admit that that was a big mistake. My constituent said to me the other day, "I should never have made such a huge mistake." There has been a continuing comedy of errors about which Mr Hargreaves's office is aware.

On 31 December, due to an administrative stuff-up, these people were taken off the housing list. At the same time their private landlord told them that they would have to vacate their house on 25 February because the owner wanted to take possession of his property, not that they are bad tenants or anything like that. Since March 2002 this family, which makes a contribution to the community, has been placed under stress. There is illness in the family. My constituent, his wife, the grandmother and my constituent's sister-in-law are ill from the stress and uncertainty relating to housing. When I spoke to the minister's office yesterday I did not really make much progress.

MR SPEAKER: Order! The member's time has expired.

Sport and recreation

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (5.42): I refer to the issue that was raised earlier by Mr Stefaniak—the meeting about sporting facilities. This morning it was referred to wrongly as a meeting that had been convened by sporting bodies. It was actually a normal quarterly meeting convened by the government. I have been advised that the area most in need of sporting facilities right now might be Lanyon. We might need to keep up with the growth at Gungahlin, something that has always been a problem. There are burgeoning demands for sporting facilities for soccer and netball as large numbers of people are playing in Gungahlin.

I just wanted to clarify that the meeting was a normal quarterly meeting convened by the government; it was not a crisis meeting or one that was convened by an upswelling of community organisations. They would let us know if they needed additional facilities. Government resources are particularly strained because some ovals are out of action as a result of the drought. At the next sitting of the Assembly the government might introduce legislation to end the drought!

Native vegetation catchment management

DR FOSKEY (Molonglo) (5.44): I wish to use this adjournment debate to clear up a misunderstanding and to respond to contributions that were made earlier to my matter of public importance. Mr Quinlan should read in *Hansard* the speech that I made about the Government Procurement Bill. It appears to me that he radically misunderstood the things that I said. I would like him to gain an understanding of what I said.

Mr Quinlan: I am happy to do so. However, you will have to tell me what is the problem. I am not going to read *Hansard* and play mystery games.

DR FOSKEY: We could always have a chat. I refer to my matter of public importance about native vegetation catchment management and thank the Chief Minister for welcoming the discussion. I also thank him and Mr Gentleman for their responses. However, I point out that the primary concern I raised in my speech was not addressed by the Chief Minister, Mr Gentleman or Mrs Dunne. The replanting of pines is an issue that continues to arise.

In the wake of the Christmas 2001 pine plantation fires Kerrie Tucker called for an inquiry into the best way to use that land, taking into account environmental, social and economic factors. Neither Labor nor Liberal members supported that inquiry. Many of the concerns held by people in the community would have been aired if that inquiry had gone ahead. Instead the government committed itself to replanting pines without investigation. One of the main concerns that I raised in my speech related to the replanting of pines. Will members of the public be informed whether the insurance policy for the pine plantations specifically requires the replanting of pines in the area that is referred to? There are overwhelming reasons why those pine plantations should not be replaced. What strong voice is the government using to back up its continued claim? I would like to see some movement in that area.

Let me address Mrs Dunne's illusion. She blamed the Greens for the fires, which is something that everyone likes to do. However, that is another shibboleth, and I reclaim that word. The Greens do not have control over the national parks and forests of any state or territory in Australia. Any suggestion that they do is based on a mistaken belief that they have been in government. Successive federal, state and territory governments have determined land and fire management strategies, and we have always supported a coordinated approach to fire prevention based on scientific research.

I have lived with fire and I have fought fires in the region I come from. I point out that a number of fires, for example, the Dwellingup fires in Western Australia, were devastating even though there had been 40 years of hazard reduction burning. There are no simple answers to this question. It does nobody any good to be blaming this group, that group, farmers, foresters, or the Greens, as it does not get them anywhere. The government should look again at my proposal not to replant pines. We care about water production and we do not want to create another fire hazard.

Tsunami charity golf day

MRS BURKE (Molonglo) (5.48): Like most members I received notification of a tsunami charity golf day from Paul Su from the Malaysian community. As a mark of respect to Mr Su and the community I would like to read out a poem that was written by him:

A Time to Ponder

Many were lucky, many unlucky
Perished not knowing what is a Tsunami
I ask myself the meaning of this devastation
In this season of celebration

The world now remains in shock
And South Asia is still taking stock
Those alive, those dead and those missing
And the rest of us left grieving

Maybe it is better dead than alive
The pain gone, the spirits soar high
Nearer heaven, towards eternity
No pain, no suffering, no more calamity

The fortunate ones or rather unfortunate survivors
Remain to pick up the pieces and all the woes
No homes, no water, no food and no land
And wondering what is the meaning of this game

Things happen as they do
Expressing their natural hue
Their very nature we do not see
But what we imagine them to be

So the ocean floor decides to adjust its backside
Displacing a small volume of water which forms a tide
The tide sweeps until it hits the shore
And lo and behold it causes a furore

Within a minute it comes and goes
Carting along all movables in a row
A million lost, a baby fell
What a story each has to tell

But it matters not, what is the fuss
For all things must surely come to pass
All things happen for a reason
All things happen for no reason

And so my friends, I wonder, I ponder
The meaning of this disaster
Who can we blame or shame
And why it should happen to them

This has to be part of a larger plan
Less we know, better the gain
And if next is your turn to go
Do not worry about saying no.

I read that as a precursor to remind us all that if we can make the time to support the Malaysian community and others, there is a charity golf day at Yowani Country Golf Club on Monday, 28 February 2005 described as, "A collective humanitarian initiative from the Canberra community, diplomatic missions and the people of Canberra." Paul, in his foreword, writes:

I have been approached by members of our Asian communities whose friends and relatives have been tragically affected by the Tsunami. I was requested to organise a Golf event to raise funds to assist the victims.

My first reaction was that this sad occurrence has already generated a long drawn campaign and most people would be tired and possibly fed up with it by now.

On second thoughts, I feel that maybe the feeling of compassion within a human heart can never become stale. Additionally it is really impossible to turn our backs to the unfortunate members of our communities. So I made enquiries and was surprised with the generosity of the people of Canberra through the pledges of their continuing support for the victims of this calamity. For example, Yowani Country Golf Club has kindly consented to donate all proceeds from the collection of the green fees to this worthy cause.

All proceeds will be donated to the Australian Red Cross to assist with its humanitarian effort to ease the tragic outcome of this unprecedented horror. We are expecting to raise around \$10,000 to \$15,000 from the whole event. It may not be a princely sum but at least it is an honest effort from the bottom of our hearts.

Paul goes on to state:

We invite you to join and support us to make this a successful event. You may participate in any of the following ways ...

He asked us to encourage one another to attend the function at 5.30 pm in the function room at Yowani Golf Club. It would be a mark of respect and it would show our support for the community. I commend the charity golf day to members.

Australia-Croatia congress

MR SESELJA (Molonglo) (5.52): On the weekend of 12 and 13 February I attended the Australia-Croatia congress and the Younger Generations 2005 conference and convention at Malua Bay, which had as their focus strategic planning and youth leadership. I thank Ivan Skratjula, president of the Australia-Croatia congress, and Branimir Sprajcer, head of Younger Generations, for inviting me to attend and address the conference. I also thank them for their hard work in organising the conference.

I pay tribute to Ivan Branimir and the members of the Canberra-Croatian community who have done a lot of work not just for this conference but also in building up and

contributing to their community. It is a thankless task. There is no money in it and it involves the expenditure of a lot of time. At the end of the day it is still a thankless task. We should acknowledge those in our community who work for some of the ethnic communities. I place on record the fact that I, and no doubt many Canberrans, appreciate the work that they do.

Auschwitz

MR MULCAHY (Molonglo) (5.53): We dealt today with government business, some serious matters and possibly some less serious matters. This morning we also dealt with some sober and sombre matters—the tragic loss of life on a large scale and on an individual scale. Assembly members should take note of the fact that three weeks ago the world came together to recognise that the Red Army liberated the Auschwitz extermination camp on 24 January 1945. On 25 January 2005, a few weeks ago, a ceremony was held in Berlin by the International Auschwitz Committee to pay respect to the millions of lives lost during that period of senseless murders.

Former camp prisoners and government leaders, as well as high-level representatives from 44 countries, were there to commemorate the victims of the worst genocide in the history of mankind. It is notable that German Chancellor Gerhard Schröder spoke at a ceremony in Berlin. He noted in his speech that it is the duty of all those committed to a democratic system to provide a strong response to neo-Nazi incitement and recurrent attempts by new-nazis to play down the importance of crimes that were committed by the Nazi regime. He said:

The temptation to forget is very great. But we will not succumb to that temptation.

Auschwitz has become a global symbol of terror, genocide and the Holocaust. In the first period of the existence of the camp primarily Poles were sent by the German occupation authorities. In 1942 that camp began to function another way—it became the centre of the mass destruction of the European Jews. The Nazis marked all Jews living in Europe for total extermination, regardless of their age, sex, occupation, citizenship or political views, and they died only because they were Jews. After the selections were conducted on the railroad platform newly arrived persons classified by the SS physicians as unfit for labour were sent to gas chambers—the ill, the elderly, pregnant women and children.

In most cases, 70 to 75 per cent of each transport was sent to immediate death. These people were not entered into the camp records—that is, they received no serial numbers and were not registered. That is why it is possible only to estimate the total number of victims of this tragic event. Prisoners capable of marching were evacuated into the depths of the Reich. On 27 January 1945 the Red Army soldiers liberated those who remained in the camp. On 2 July 1947 an act of the Polish parliament established the Auschwitz-Birkenau State Museum on the grounds of those two existing parts of the camp, Auschwitz I and Auschwitz II-Birkenau. I quote again from what German Chancellor Schröder said:

Evil is not a political scientific category. But, after Auschwitz, who could doubt that it manifested itself in the hate-driven genocide carried out by the Nazi regime.

Never before had there been a worse breakdown of thousands of years of European culture and civilisation. After the war it took some time before the full extent of this breakdown was realised.

We must never forget this tragic event. Periodically, I try to watch History Channel presentations. Every week I see some new revelation of complicity in those events—a black mark, and one of the blackest chapters in the history of our world. I draw to the attention of members the fact that this commemoration occurred while the Assembly was in recess. However, it is an event that all parliaments should recognise and express concern about.

The Assembly adjourned at 5.57 pm.

Incorporated documents

Attachment 1

Document incorporated by the Treasurer

Mr Speaker, I present the Mid Year Review and Budget Update for 2004-2005.

The *Financial Management Act 1996* requires the Treasurer to prepare a Budget Mid Year Review for each financial year. The Review is due for presentation to the Legislative Assembly no later than 15 February of each financial year. This is to coincide with the presentation of the December quarterly financial statements in the Assembly.

The Review requires an update to the estimated financial position for the current year, and updated budget estimates for each of the next three financial years.

Mr Speaker, the 2004-05 Mid Year Review is used as a tool to measure the Government's progress in achieving the Budget Strategy.

Mr Speaker, over successive budgets the Government has set itself the objective of achieving aggregate balanced budgets and to deliver the highest possible standard of government services. The Mid Year Review forecasts an aggregate operating result of \$219 million over the term 2002-03 to 2005-06 and an aggregate operating result of \$13.7 million over the term 2004-05 to 2007-08.

Mr Speaker, the result takes into consideration the 2nd Appropriation Bill for 2004-05, which will be presented in the Assembly on Thursday. The Bill provides for:

the financial resources to support the Government's election commitments that commence in 2004-05;

additional resources towards responding to the recommendations of the Vardon Report; and

unavoidable costs pressures and the finalisation of a number of Enterprise Bargaining Agreements.

Mr Speaker, the Mid Year Review also outlines an update to the economic parameters that underpin the assumptions used in developing the estimates.

The Review also outlines current risks to the estimates, the most prominent being the potential loss of Special Revenue Assistance. The Commonwealth has stated that Special Revenue Assistance will not be paid from 2005-06, although, there is an expectation that at least some of the SRA will be met through an adjustment to the ACT's share of GST.

Mr Speaker, I also note that the international rating agency Standard & Poor's Ratings Service has reaffirmed the ACT's AAA credit rating and the Government's economic management credentials.

Mr Speaker, I commend this Review to the Assembly.

Attachment 2 Document incorporated by the Treasurer

Mr Speaker, I present the September quarterly report for the 2004-05 Capital Works Program.

In summary, Departments incurred expenditure on capital works totalling \$16m during the September quarter. This figure represents 7.3% of revised available funds.

The Department of Urban Services was the largest contributor to the capital works program in the first quarter with expenditure of \$9.1m.

Major projects contributing to this expenditure included: Kingston Foreshore Stormwater Augmentation Stage 2; the completion of the East O'Malley Infrastructure; and the completion of William Slim Drive and Barton Hwy Retardation Basins, and Cohen Street Belconnen.

The Department of Education and Training was the other major contributor to the capital works program in the first quarter with expenditure of \$5.0m, including further construction of the Gungahlin High School.

Mr Speaker, I would like to take this opportunity to inform members that the capital spend for the three months to the end of September 2004 was lower than anticipated and also lower than the corresponding quarter of 2003-04. I am advised that while the indicative figures for December 2004 show a marked pick-up in capital works activity, the full 2004-05 program is likely to be below budget.

I am currently examining the existing capital works budget process with a view to putting in place measures that, as much as possible, ensure that the Territory's annual capital program aligns with original forecasts and projects are delivered on schedule.

Mr Speaker, I commend the 2004-05 Capital Works Program's first quarter report to the Assembly.

Attachment 3 Document incorporated by the Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services

Mr Speaker, Chief Minister, and members of the Assembly. I am pleased to table today the Government Response to the Standing Committee on Health Report on the *Allied Health Care Needs of People in Residential Aged Care*.

As you are all aware, the Standing Committee released the Report in August 2004. The report resulted from an inquiry into difficulties faced by older people in receiving adequate allied health services and care.

The Report covered the major issues raised in submissions to the inquiry, which were:

the impact of access to allied health care services on the longevity and comfort of those in residential aged care;

access to and the cost of transport to allied health treatments;

the consistency in treatment provided in residential aged care facilities; and

the need for mobile allied health services.

The Government has assessed the Report and the recommendations put forward. Recommendation 1 is noted, the first part of recommendation 2 is agreed to in principle, and the second part of recommendation 2 is noted.

The recommendations focus on:

the Government investigating the occurrence of retribution in aged care facilities, and the need for policies to ensure complaints about aged care facilities can be made safely; and

undertaking a survey of allied health services provided in aged care facilities, and developing an older persons health action plan aimed at improving access to allied health care services.

The Government shares the concerns raised by the Committee about possible retribution and making safe complaints, however it does not have responsibility for funding, standards and operation of residential aged care facilities. This is the responsibility of the Australian Government, and the ACT Government will work with the Australian Government to develop approaches to respond to the issues raised in this recommendation.

The Australian Government has established the Aged Care Complaints Resolution Scheme (ACCRS) for residents of residential aged care facilities and the community in general, to make complaints about residential aged care facilities, and strengthening this Scheme may be one response.

In the event that a complaint is made, the *Community and Health Services Complaints Act 1994* provides for complaints to be made about services for aged people. These services are defined to include services provided in association with the use of premises for the care, treatment or accommodation of aged people.

This is another complaints mechanism that residents of aged care facilities can use in addition to the Aged Care Complaints Resolution Scheme (ACCRS).

The second recommendation focuses on conduct of a survey of allied health use by residential aged care residents and an older person's health action plan.

The ACT Government currently provides a wide range of health services to all sections of the community, individuals, families and groups with special needs, including people in residential aged care.

Residents of residential aged care facilities are also able to access the full range of hospital services according to clinical need in line with arrangements for other members of the ACT Community.

The ACT Government is implementing a range of strategies to improve services for older people in ACT hospitals. These include the establishment of a sub-acute facility to provide additional rehabilitation, convalescent and psycho-geriatric services, and clinical decision units collocated within hospital emergency departments to improve assessment and management of older people attending Emergency Departments.

Despite the current ACT Government initiatives the issue of service access is an issue for residents of aged care facilities. However, conduct of a comprehensive survey would entail a significant investment in time, energy and resources from aged care providers, and their cooperation would be essential if the survey was to be effective.

The interest among aged care providers in participating in a survey is unclear, and there may be other ways to identify gaps in service access. The ACT Government will approach aged care providers to discuss interest in a possible survey and to consider other approaches to identifying and responding to service gaps.

In relation to an older person's health action plan, there are currently a number of plans developed by the ACT Government that address the needs of older Canberrans.

The *Health Action Plan* recognises that increasing numbers of older people will seek access to health care and related services, as well as activities and services aimed at maintaining physical and mental health and well being, and supports the positive and healthy ageing of the ACT community.

The *Canberra Social Plan* sets the improvement of the health and well-being of the ACT community as a priority area. A primary goal is to meet the health needs of the ageing population, including establishing innovative aged health care and accommodation initiatives that recognise changing demographic profiles.

ACT Health is also currently preparing a Clinical Services Plan and a Primary Care Strategy, both of which will address the needs of older people using the ACT's services, as well as strategies to maintain the health of older people.

Together, these documents will provide a comprehensive response to the health needs of all ACT residents, including older people.

I commend the Government response to the Standing Committee on Health Report on the *Allied Health Care Needs of People in Residential Aged Care* to Members of the Assembly.

Attachment 4

Document incorporated by the Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services

Mr Speaker, Draft Variation number 243 proposes to change the Territory Plan Map to:

Respond to the requirement for additional land for the expansion of the aged care facility by replacing the Urban Open Space Land Use Policy applying to Block 1 Section 53 Monash, Block 2 Section 50 and part Block 3 Section 50 Monash with Community Facility Land Use Policy.

It is also proposed to replace Entertainment Accommodation and Leisure Land Use Policy on part Block 3 Section 50 Monash with Community Facility Land Use Policy.

The Variation will facilitate the development of an extension to the current aged care facility on Block 2 Section 47 Monash. The extension is expected to provide for a 100 bed hostel/nursing home and 150 aged persons units with ancillary uses.

The proposal is in line with the ACT Government's commitment for the strategy called '*Building for our Ageing Population*'. Census Data 2001 revealed that 14.6% of all persons aged 65 years and older in Canberra were resident in Tuggeranong. This is expected to increase to 22% by year 2010, and as such the demand for aged care facilities is likely to increase in the Tuggeranong area.

The planning study carried out for the site concluded that the proposed development would have a significant benefit on the Tuggeranong area. The study also concluded that the development of the aged care facility on part of the site would not adversely affect the operation of the open space network in Monash.

The Preliminary Assessment (PA) related to this proposal included a detailed traffic study, and the outcome of the traffic study did not require upgrading of the

intersection of Cockroft Avenue and Isabella Drive. The PA concluded that the potential impacts of the proposal on the environment have been adequately addressed.

The draft Variation was released for public comment on 24 July 2004, with comments closing on 3 September 2004. A total of three written submissions were received during that period. Minor revision was made to the variation as a result of the consultation process. The changes related to traffic assessment outcomes and the addition of the details relating to the air quality monitoring facility, which is co-located on Block 2 Section 50 Monash with the weather station.

In its Report No.1 of December 2004 the Standing Committee on Planning and Environment made two recommendations in relation to the draft Variation.

The Committee's first recommendation was that entry and exit driveways for the complex should be very carefully sited, and a slipway should be considered for Isabella Drive and adequate signage erected in the vicinity of the proposed development. The Committee's recommendation is noted and will be further considered during the development stage of the proposal.

The Committee's second recommendation was that the Draft Variation No. 243 be agreed to.

Mr Speaker, I now table Variation to the Territory Plan No. 243.

Attachment 5

Document incorporated by the Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services

Mr Speaker, it is my pleasure to table the fourth and final six monthly Progress Report on the Implementation of the Recommendations of the Board of Inquiry into Disability Services in the ACT.

Since 2002, we have witnessed a fundamental shift in our approach to the provision of disability services in the ACT, an approach built on respect for the views of people with disabilities and a commitment to community partnership.

We have now implemented the majority of the Board's Recommendations and the remainder will be advanced through *Future Directions: A framework for the ACT 2004 – 2008*.

Members will recall that *Future Directions* was released by the Chief Minister in September 2004 and followed extensive community consultation.

The document sets down a four-year course of action that will take Disability ACT beyond its immediate responsibilities arising out of the Board of Inquiry.

It provides a structure that will enable the organisation to better support people with disability, while recognising their rights to self-determination, respect, dignity and participation at all levels in the community.

The framework identifies four principal areas of focus:

promoting an inclusive society;

strengthening the capacity of people with disabilities to maximise control over their lives;

improving planning and the use of available funding; and

developing a sustainable service delivery sector.

The framework identifies aims, objectives and actions under each of these priority areas.

The Government acknowledges the significant contribution made by the ACT Disability Advisory Council and Disability Working Groups in developing *Future Directions* and indeed, throughout the reform process.

In fact, *Future Directions* is supported by a companion document *Challenge 2014 – A ten-year vision for disability in the ACT*.

Challenge 2014 is a community-based visualization for the future of disability in the ACT. It throws out a challenge to everyone in the community to take responsibility for improving outcomes for people with disabilities, their families and carers.

Mr Speaker, I would like to take the opportunity to highlight some of the other more recent actions undertaken to revitalise disability services and supports. These build on the initiatives already outlined in previous Reports.

Information and referral services have been improved with initiatives such as a trial Disability Phone line for people with disability, their families and carers.

The phone line enables members of the community to talk with someone with specialist knowledge, who is able to answer queries and refer people to appropriate services.

This financial year the Government has also provided \$1.25 million - with a commitment to increase this funding to \$1.5 million in 2005/2006 - to establish the Local Area Coordination Service in the ACT.

This service will enable a more immediate and local response to people with disabilities and their families through the provision of service coordination, information and advocacy.

Disability ACT has continued to foster partnerships and undertake consultations with individuals and the community to develop policies and services.

Disability ACT and the Disability Reform Quality and Standards Working Group, in consultation with the disability community are continuing to develop the ACT Quality Standards and Guidelines. It is anticipated that this will be completed within the next 18 months and will include pilot testing of a self-assessment process.

Mr Speaker, Disability ACT continues to work across Government agencies to create opportunities for people with disabilities.

The *Access to Government Audit Kit*, produced collaboratively with the Disability ACT Council, enables Government departments to identify and address any barriers that are preventing people with a disability from accessing services.

In September this year the *ACT Public Service Employment Framework* was also released to assist people with a disability to access secure and sustainable employment opportunities within the ACT.

Mr Speaker these are just some of the many recent initiatives undertaken by the Government to better support people with disabilities.

The Report I table today contains a comprehensive record of the initiatives taken in the two years since September 2002, when the Government responded to the Recommendations of the Board of Inquiry.

The Government remains committed to implementing the remaining recommendations and advancing the reform process through the *Future Directions* framework, to which I have referred.

We have come a long way, but there is still much to be done to meet the vision of people with disabilities that they 'to achieve what they want to achieve, live how they choose to live, and to be valued as full and equal members of the ACT community.'

Mr Speaker I commend to members the *Government Response to the Recommendations of the Board of Inquiry into Disability Services Fourth Progress Report*.

Schedule of amendments

Schedule 1

Government Procurement Amendment Bill 2004

Amendment moved by Mr Mulcahy

1

Proposed new clauses 6 and 7

Page 3, line 4—

insert

**6 Effect of other disclosure laws
Section 41**

omit

This

substitute

(1) This

7 New section 41 (2)

insert

(2) To remove any doubt, this part does not affect the power of a committee of the Legislative Assembly to send for papers and records.

Note Under the Standing Orders of the Legislative Assembly, order 239, a committee of the Legislative Assembly has ‘power to send for persons, papers and records’.