



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

19 February 2003

**Wednesday, 19 February 2003**

Public health issues .....	127
Questions without notice:	
Bushfires.....	155
Territory finances .....	156
Bushfires.....	158
School census .....	161
Bushfires.....	162
Bushfires.....	165
Health ministers meeting.....	166
Design advisory service.....	168
Budget policy.....	169
Youth drop-in centre.....	170
Bushfire relief.....	170
Community service.....	171
Petitions—out of order.....	172
Bushfire tragedy—proposed inquiry.....	172
Totalcare—financial information.....	198
Gungahlin Town Centre—community consultation.....	207
Iraq .....	227
Adjournment .....	272

**Wednesday, 19 February 2003**

**MR SPEAKER** (Mr Berry) took the chair at 10.31 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

## **Public health issues**

**MR HARGREAVES** (10.32): I move:

That the Assembly notes with concern the:

- 1) decline in bulk-billing in the ACT;
- 2) decline in general practitioner numbers in the Territory; and
- 3) monumental failure of the private health insurance rebate policy to address the problems in public health.

The Assembly notes the concern of the Canberra community about these issues and welcomes the actions of the ACT Government to raise these matters at the next Commonwealth/State Health Ministers Forum.

With the state and territory health ministers meeting with the Commonwealth later this week, I thought it appropriate to raise the issues of bulk-billing, access to GPs and the private health insurance rebate.

Following Ms Tucker's motion last year on access to health services, I felt it was important that the Assembly lend its support to our health minister, Mr Corbell, when he takes our case to the Commonwealth on Friday—provided, of course, that the Commonwealth shows up to the meeting. Press reports this morning indicate that the federal minister is running away from the issues. To coin a phrase of the Prime Minister, she doesn't "have the ticker" to turn up and justify her government's appalling record in health.

Free or subsidised treatment by medical practitioners via bulk-billing is one of the cornerstones of Medicare, the Commonwealth-funded national health insurance scheme. The release of the Medicare statistics by the federal department of health late last year showed that bulk-billing in the ACT is disappearing, and it is clear that a visit to the GP is becoming increasingly unaffordable for many in our community.

The decline in bulk-billing in the territory has resulted in increased pressure on public hospitals and has seen a shift in costs from the Commonwealth to the ACT. Since the introduction of Medicare in 1984, the rate of bulk-billing steadily increased throughout until the early 1990s. This trend was halted in 1996, following the election of the Howard government.

Between then and 2000, the proportion of Medicare services bulk-billed remained static. However, since 2000 the proportion of all medical services bulk-billed has fallen. ACT bulk-billing rates have been declining faster than the national trend. The 2001-02 bulk-billing rate of 51.2 per cent is lower than at any time since 1990-91.

*19 February 2003*

The proportion of Medicare services bulk-billed varies between each state and territory, and in comparative terms the ACT's rate is the lowest of them—the Australian average is 74.9 per cent. The ACT rate also places it at the lower end of bulk-billing rates for the average Australian rural community.

This drop-off in bulk-billing is hurting those who can least afford it. The evidence is that general practitioners are gradually withdrawing from bulk-billing health care card holders, patients on low incomes and older patients. Why is this happening? The Australian Medical Association argued that, because the scheduled fee has not kept pace with either the cost of running a practice or the consumer price index, rates of bulk-billing are declining as doctors increasingly charge above the rebate limit. Consequently, the AMA claims that an increase in the scheduled fee in line with CPI would improve bulk-billing rates.

The failure to adequately reimburse doctors is a clear indication that the Commonwealth is undermining Medicare as a universal system. This undermining is further demonstrated by the increase in the average out-of-pocket expenses that patients are paying for Medicare consultations with GPs.

Recent Medicare figures indicate that the average patient contribution to patient billed services increased from \$17.43 in June 2001 to \$18.68 in June 2002. That is a 7 per cent increase in 12 months. In order to avoid these higher costs, patients are seeking treatment at the accident and emergency departments of public hospitals.

I understand that this issue was the subject of a letter from state and territory health ministers to the federal Minister for Health and Ageing in August last year. The state and territory ministers showed that the decline in bulk-billing, combined with the closure of 24-hour medical clinics and increased out-of-pocket expenses for patients visiting GPs, was placing added pressure on accident and emergency departments.

Findings from a recent New South Wales Department of Health study indicate that in rural towns where bulk-billing was low or non-existent, there was a significant increase in presentations at local hospital emergency departments, compared with towns in which GPs did bulk-bill.

A local report funded by the ACT Division of General Practice indicates that the lack of availability of after-hours care from GPs also results in increased presentations at accident and emergency departments. The ACT division study indicates that bulk-billing rates not only are linked to the billing practices of GPs but also are influenced by the match—or mismatch—of GP work force numbers, hours of work and patient need. This issue is no doubt going to feature in the negotiations on the next Australian Health Care Agreement.

The ACT Labor government has been acutely aware of the impact of these factors out in the community. The Chief Minister and former minister for health has implemented a number of initiatives to reduce the impact of the decline in bulk-billing on disadvantaged groups.

These included:

- providing pilot funding for two years to cover the costs of the Canberra after-hours locum service, known as CALMS, providing care on the midnight to 6 am shift;
- funding the Calvary Hospital primary care clinic to provide free 24-hour access to primary care services for people with less urgent conditions attending Calvary Emergency Department;
- funding the Canberra Medical School, and
- moving to formally establish nurse practitioner positions.

However, there is only so much the territory government can do. The real responsibility for fixing this problem lies with the Commonwealth.

I would like to look now at the crisis in GP numbers in the territory. The figures are stark. In relation to work force numbers, in 2001-02 the ACT had 65.5 full-time workload equivalent GPs per 100,000 persons, compared with the national average of 84.9 per 100,000 persons. Only the Northern Territory has a lower number.

By way of comparison, residents of capital cities have 90.8 per 100,000 full-time workload equivalent GPs. The only regional classifications with fewer full-time workload equivalent GPs per 100,000 people than Canberra are those areas defined as the “remote centre” or “other remote areas”.

As I stated earlier in relation to the bulk-billing decline, the ACT government has been working extremely hard to reduce the impact of this decline in GP numbers on ACT residents and to improve access to GP services.

I have been involved personally in the government and Tuggeranong Community Council campaign to attract a GP to the Lanyon Valley. Despite the ACT government’s best efforts, however, we cannot solve the causes of the decline in bulk-billing and GP numbers. It is time that the Commonwealth government lived up to its responsibilities in this area.

The Commonwealth has repeatedly rejected our calls to change policies and to assist the ACT in this area. The Commonwealth has the capacity to help the ACT overcome its acute shortage of general practitioners but has stubbornly refused to act. The Chief Minister has approached the Commonwealth Minister for Health and Ageing, Senator Patterson, repeatedly requesting Commonwealth assistance.

The ACT could move forward on this issue by declaring GP positions as areas of unmet need positions, but we cannot give practitioners access to Medicare provider numbers. Only the Commonwealth has this power and, in order to grant access, it would need to declare the ACT a district of work force shortage. However, the Commonwealth has previously rejected our case, despite the overwhelming evidence in our favour.

Patients in the ACT are suffering from the Commonwealth’s neglect, but I can assure Canberrans that the ACT government will not give up fighting for them. I know that the minister, Mr Corbell, will work in partnership with all other states and territories to promote reform of the supply and the quality of primary health care services through the renegotiation of the 2003-08 Australian Health Care Agreement.

*19 February 2003*

I now turn to the obvious solution to this public health crisis: get rid of the 30 per cent private health insurance rebate. The reasons for this are many and varied, but mainly the rebate should go because it is bad policy. It has not achieved its aims, is now nothing more than a subsidy to inefficient firms and provides no incentive to improve efficiency in the private health insurance industry.

The federal government is shovelling—and I mean “shovelling”—an obscene amount of money into these private health funds for no apparent gain. Premiums continue to rise, and customer satisfaction levels continue to drop. The only reason we have seen any increase in numbers enrolled in private health insurance is the introduction of lifetime community rating.

People have not signed up because the product is suddenly value for money. They have signed up because the government has pulled out the big stick. The lifetime community rating is a big stick. In spite of all the government subsidies and handouts, the private health insurance industry continues to put its hand out.

Premiums continue to rise, and each premium rise is an extra impost on all taxpayers for the benefit of the private health insurance industry. The annual cost of the rebate is \$2.3 billion, and this will grow with each premium increase. In fiscal terms, it is a bottomless pit, a treasurer’s nightmare. How it ever got past Peter Costello I have not got the faintest idea.

Mr Speaker, 55 per cent of Australians do not have private health insurance. They rely on public assistance. The federal government should stop spending their taxes on supporting private health insurance, which these Australians cannot access, and start spending it on the public system, which everyone uses—a system that provides a safety net for all Australians.

In the end you have to ask: what have we really gained from this rebate policy? All that has happened is that \$2 billion in private money has been pulled out and replaced by \$2 billion in taxpayer subsidies. The \$2.3 billion spent on the rebate could have been better used to improve GP services, including higher Medicare payments and more practice support for GPs.

It has been estimated that the public hospital system could treat 60 per cent of all the patients now treated in the private system with that money. Wouldn’t that be a better use of taxpayer dollars?

Over the last 12 months or so, the lack of a general practice service for the Lanyon Valley has been raised time and time again. The department, to its credit, has fought long and hard with the Commonwealth, trying to get some solution to this lack of a medical service for the Lanyon Valley, including the attempt to get nurse practitioner services down there, to at least alleviate part of it. There are nearly 15,000 people down there, and there is one full practice that cannot take anybody any more. That is 15,000 people who have to get in a car or a bus and go into Calwell, the nearest practice that bulk-bills.

These people cannot always access public transport to do it. They need a doctor within their midst. They need a doctor's surgery, a bulk-billing GP service in the Lanyon marketplace. The government has been trying its best to argue the toss with the Commonwealth, but to no avail. That is because the Commonwealth do not recognise that there are areas within Canberra that desperately need medical services close by.

I wish the Assembly to extend its support to Minister Corbell when he goes to the health ministers meeting and fights on our behalf, like the devil we all know he will.

**MR SMYTH** (Leader of the Opposition) (10.47): I am glad Mr Hargreaves finished on the needs of the people of Lanyon because I want to quote back to him something from his own election platform, called *ACT Labor's plan for rebuilding the ACT health service*. It said that, if elected, Labor would look at the GP trials that we were conducting at Canberra Hospital:

Labor will consider the outcomes and perceptions of these trials, and address any problems arising. Labor will look at whether there is need to extend this initiative to providing after-hours GP clinics also in the southern suburbs of Tuggeranong and in Gungahlin.

So when Mr Hargreaves was framing this motion today, I wonder whether he went back and checked page 8 of *Rebuilding the ACT health service*. I wonder whether he knocked on the door of the current health minister and said "Has this been done? When will this happen? If it hasn't been done, why hasn't it been done?" This government went to an election with rhetoric about how it would address the shortage of GPs, and it has done nothing in the local sense at all.

It is true that there is a decline in the number of GPs; it is true that bulk-billing rates in the ACT are at a historic low. We do not have to go into those details. They are well summarised in the government's report to the Legislative Assembly for the ACT, *Bulk-billing services: general practitioners*, which was tabled in December last year. I hope Mr Hargreaves has read it.

It is also true that the Commonwealth has not been as helpful as it could be. I believe that our request to be treated as a regional district of work force shortage should have been accepted. I said that when the issue came up at the last budget, and I still believe it. I have spoken to the minister's office to say to them that they need to do something to re-assess where we fit into the scheme of things. I also believe that the Commonwealth is engaged in some pretty ordinary stalling tactics.

If you have been to ministerial conferences—as you have, Mr Speaker—you will know the argy-bargy that flows between the states, the territories and the Commonwealth and how that game is played out. The Commonwealth's attitude to the problem has led to some needless in-fighting and pettiness. I hope that all nine jurisdictions will get on and try and work out a better way of dealing with this.

To blame the federal government's private health insurance rebate for the problem is, even for Mr Hargreaves, drawing a very long bow. This part of the motion is typical of the government's attitude to the problem: "Blame somebody else. We've been inactive, but it's somebody else's fault."

19 February 2003

Perhaps, Mr Hargreaves, you should have amended the motion and included saying that the ACT superannuation blow-out was part of the problem. It seems to be the cause of all the problems in every other instance. I am sure that naughty, naughty cause of all the Treasurer's problems must play a part in the decline of bulk-billing rates.

But seriously, what sort of two-bit analysis is it that the problems facing general practitioners in the ACT are all due to the rebate on private medical insurance? What insight, what acumen—what piercing perception!

I have looked at the documents and I have had discussions with the AMA and the Division of General Practice, and there are a number of factors affecting this situation. It is not the private health insurance rebate's fault at all. Mr Hargreaves may now well hold his breath until he is blue in the face, before the Commonwealth comes to the party.

But the problem is real, the problem is immediate and the problem will not be solved by an ill thought-out motion such as this, which simply says it is somebody else's fault. The problems of the ACT are ours and ours alone. We cannot afford to go around saying that the Commonwealth should fix this and should fix that. We will be waiting a long time for that to occur, regardless of the political persuasion of the federal government of the time. Whilst we talk to the Commonwealth and urge them to change their views, we must ensure that, where we can, we look at fixing our own problems.

If Mr Hargreaves was serious about this motion, he would be tapping on the door of his own health minister, Mr Corbell, asking him what he is going to do and asking him for his support for some of the initiatives contained in the previous minister's report and perhaps to come up with some of his own.

Mr Hargreaves mentioned the nurse practitioner trial, saying he welcomes it because it might give us a nurse practitioner in Tuggeranong. Why did the government, particularly the previous health minister, sit on the results of that trial for so long? The results of those trials had been known for at least six months, if not up to a year, before anything happened under the previous, do-nothing health minister. Why? Where was Mr Hargreaves when nothing was happening? Sitting on the back bench doing nothing.

I will go back to the Labor Party policy document in the lead-up to the last election, the fact sheet, *Labor's plan to rebuild ACT health!* I am looking at page 2 of 3 under "Labor's new initiatives". We are all aware that a shortage of GPs is causing people to use the accident and emergency system at the hospitals, which transfers the burden from one health sector to another, and that we should not allow that to happen. What is Labor's answer to this?

Labor will therefore establish at least two after-hours clinics, staffed by general practitioners, to treat those patients with less serious illnesses.



Where are they? How long are we going to wait for these after-hours clinics that Labor thought was the answer to all the problems in the lead-up to the election but that now they won't fund, trial or establish? What hope have we, at the bottom of Tuggeranong, of seeing the follow-up promise "Labor will consider the outcomes and perceptions of these trials, and address any problems arising"? Minister, perhaps in your speech you will tell us what the outcomes and perceptions of the trial were and how you addressed the problems arising.

I return to the previous quote, from *Rebuilding the ACT health service*:

Labor will look at whether there is need to extend this initiative to providing after-hours GP clinics also in the southern suburbs of Tuggeranong and in Gungahlin.

Mr Hargreaves, have you asked your minister to honour your party's promise to get us a clinic in southern Tuggeranong? I think the answer is no. I think we all know that. These things are never going to happen. Why? Because the government is not committed to it. They were good words in the lead-up to the election and, as a solution to the problem, they may work. But there is yet to be an attempt to even see if they will work.

Where is the review? What has been done? Has any work been done to extend the after-hours GP clinics to the people of Tuggeranong? We know that the people of Gungahlin are having an impact on the emergency services at Calvary Hospital. How do we know that? It is in the government's press release from this year's budget. They know that there is an expected 7 per cent growth in the calls for services for accident and emergency at Calvary, and that is appropriate.

As places like Gungahlin grow, their residents will go to the closest hospital when they need emergency assistance. That is appropriate. The government put only a small amount of money into that system—nowhere near the 7 per cent that was needed—which caused Calvary no end of problems. They are carrying the burden because the government is shifting it to them because it has not honoured its promise. We need the government to honour its promise to do the follow-up work, to do the assessment, to fine tune it and to make it work—because it said it could.

"We will address any problems arising." Where is that addressing happening? Where is that answer, and where is that response? Mute. We hear nothing. The silence is deafening. This is an important issue. Getting the balance right between what the Commonwealth pays for and what the territories and/or the states pay for is important.

We should not be allowing the Commonwealth to cost shift. That is a serious complaint, which the states and the territories always make. I can remember addressing this as a federal member accusing the states and territories of cost shifting. So it is a two-way street. But we have to get it right, and I urge all the parties to get around the table and negotiate.

As to the motion itself, point 3 is superfluous. The final paragraph, noting the concerns and welcoming the actions of the ACT government, does not mention the GP clinics that they promised. So, I have some amendments that I seek leave to move.

19 February 2003

**MR SPEAKER:** You need leave to move them all together, but you do not need leave to move them one at a time. Let me intervene for a moment. There are a number of amendments on the table. Three new point 4s have been tabled, and it looks as though all of those could stand together and all survive. There are some other, separate, amendments, some from you and some from Ms Tucker, and we will have to work out whether they can stand as well.

If you proceed with all of yours at once, it may be difficult to separate some of the issues. So, in an attempt to get all of the concerns of these amendments included in the eventual motion, I propose to deal with your amendment omitting point 3 and inserting a new point 3—your first amendment—then deal with Ms Tucker’s amendment and then deal with the point 4s separately.

The issue that arises is that people may wish to vote differently on all of the amendments. If you put the amendments together, they may well be locked into voting against particular amendments that they might otherwise agree with.

**MR SMYTH** (Leader of the Opposition) (10.59): I move the following amendment:

Omit paragraph (3), substitute:

“(3) and calls on the Commonwealth Government to review the Medicare Rebate.”.

I think this gets to the nub of the matter. The complaint is that the rebates are quite small and that over time they have not kept abreast of what is a reasonable expectation of the service or given encouragement to GPs to take on bulk-billing customers. It will go a long way to alleviating some of the pressures that GPs are feeling and some of the problems that GPs are facing in not being able to keep their practices afloat.

**MR CORBELL** (Minister for Health and Minister for Planning) (11.00): I welcome this debate today because it is on a central issue of public policy: the effective provision of primary health care services to the Canberra community. It is a central tenet of any local government that the provision of these vital public goods—public education and public health—are as efficient, equitable and available as possible. At the moment in the territory we face severe pressure on the primary health components of our system: GPs and the cost to people of accessing GP services.

The issue that Mr Hargreaves raises in his motion is therefore welcome by the government—welcome because it goes to the heart of these central public policy issues. We cannot have a just and equitable society unless we have just and equitable access to primary health care on an affordable basis. But it is interesting to hear the rhetoric of the Leader of the Opposition. He says these are our issues and our problems, and we must address them.

What has he just moved in his amendment? His amendment is to say, quite rightly, that the Commonwealth needs to address the Medicare rebate. It is all very well for the Leader of the Opposition to say, “This is your problem, government, and you must fix it,” but in the next breath he acknowledges the reality that funding for primary health care has been nationally recognised since the 1970s as the responsibility of the Commonwealth government under Medicare and the subsequent Australian Health Care Agreement.

This government is committed to addressing these issues, and our election policy outlined how we would seek to address them. But we will not permit the Commonwealth government to walk away from its responsibility to deliver equitable, efficient and open primary health care for all. The reality is that its policy settings have failed to do this.

It got so bad that late last year my predecessor, Mr Stanhope, along with all other state and territory and health ministers and the Commonwealth minister, met in Brisbane to discuss the process for negotiating the next round of Australian Health Care Agreement.

At that meeting the Commonwealth minister said, “States and territories, go away and work out what you believe needs to be addressed and come back to us.” Early in February this year I met with all the state and territory health ministers, and we agreed on our agenda for reform. It was not just an agenda for more money, although resourcing is clearly a key issue. It was about bringing a holistic approach to health care policy in the country. It was about bringing the issue of the private health insurance rebate into the equation of how much is spent on public health.

The Commonwealth government has said, “That’s not health policy; that’s something else.” Despite the fact that they spent over \$2 billion on that initiative, there has been no recognition that that \$2 billion could potentially be spent in better ways to improve public health for all Australians.

So this government, along with all state and territory health ministers, agreed on a reform agenda. We signed a letter to Kay Patterson at that meeting, and we said we looked forward to discussing it with her at a meeting which will take place on Friday this week in Melbourne—a meeting which she called.

I heard on the radio this morning that Senator Patterson does not want to attend that meeting any more—that she is not interested. The meeting that she called to hear the state and territory response on the key issues that need to be discussed in the Australian Health Care Agreement she now says she will not attend. What a disgrace, what belligerence—when what we need is collaboration and negotiation to address these key issues.

There will always be argy-bargy between the states and territories when it comes to money out of Health—whether they are Liberal or Labor. But we have to be prepared to discuss these issues and negotiate them in good faith and not simply walk away. Of course, the Commonwealth is walking away because it does not have a policy response to these issues.

The ACT has the lowest rate of bulk-billing in the country, it has a significant decline in overall GP numbers and it faces serious problems with GPs closing their books to new patients. I am advised that around 50 per cent of all GPs in the ACT have now closed their books to new patients and that that, combined with the lowest level of bulk-billing in the country, has led to a lower number than at any time since 1990-91.

19 February 2003

The government's policy response is at two levels—it is a complex debate, but it needs to be addressed because it is a complex issue. We will, first and foremost, negotiate harder with the federal government to get them to recognise that the ACT is a jurisdiction that requires special assistance to attract additional GPs. We are not like Sydney and Melbourne. We are more like an outer metropolitan area or a regional area, and federal policies should reflect that in encouraging GPs to come to this city.

The Commonwealth could do a number of things. Firstly, it could increase the level of the Medicare rebate. That would be the most appropriate policy response and would see the Commonwealth recognise its responsibilities. Secondly, if the Commonwealth felt that was untenable, it could permit the territory to bulk-bill patients who show up at the emergency departments of our hospitals and pass that cost to the Commonwealth, where it rightly belongs. Thirdly, it could permit after-hours GP clinics on the campuses of our public hospitals, where they could bulk-bill.

There are a number of responses open to the Commonwealth. These are issues the state and territory health ministers have put on the table. These are issues the Commonwealth is saying today it is not even prepared to discuss with state and territory ministers.

Mr Smyth made some political capital in his speech about Labor's commitment to after-hours clinics. I think Mr Smyth needs to read the policy closely because it says quite clearly that we will do this, but it also acknowledges that, under current Commonwealth/territory funding arrangements, it is not possible to have these clinics on the campuses of public hospitals. That is on the web site.

That is why the first priority for me as Minister for Health is to get the Australian Health Care Agreement finalised, to get it negotiated and to do everything I can to get the Commonwealth to accept its responsibilities and collaborate with us in addressing the issues that we face as a community.

Only once I know the details of the Australian Health Care Agreement, which is a bilateral agreement between us and the Commonwealth, will I be in a position to know what other responses the ACT government needs to put in place. The responsible course of action is to not prejudice or undermine our negotiating position by saying that we will pick up the costs of what are federal responsibilities and let the Commonwealth off the hook.

My responsibility is to ensure that the territory live up to its obligations and the Commonwealth live up to theirs. That is what I will undertake as we head up to these negotiations, which will occur between now and the end of June, when the agreement expires. Only then, when I know what costs the Commonwealth is prepared to meet in the new Australian Health Care Agreement, will I be in a position to outline the further response of the ACT government. (*Extension of time granted.*)

In relation to Mr Smyth's amendment, it is essentially a bit of political posturing. He seeks, first and foremost, to remove any criticism of the federal Liberal government's policy failure, which is at point 3 in Mr Hargreave's motion. He seeks to have that point deleted from the record, even though it is accepted around the country that this is one of the most expensive public policy failures ever in the history of federation—\$2 billion spent on the private health insurance rebate.

This policy has not shifted people out of the public hospital system and into the private hospital system and has not relieved the pressure on public hospitals, but it has cost all taxpayers \$2 billion. It is important that we acknowledge that and put the pressure on the Commonwealth government to accept that its policy has been a failure and to move on.

The government will not be supporting Mr Smyth's amendment No 1, because it would remove the very important point that \$2 billion spent on failed public policy cannot just be swept under the carpet. That must be acknowledged, and we must move forward from that.

**MS TUCKER** (11.12): I will speak to Mr Smyth's amendment, now called amendment No 1, which changes Mr Hargreaves words, regarding the failure of the private health insurance rebate policy to address the problems in public health, by calling on the Commonwealth government to review the Medicare rebate.

I will not support this; I actually support the strength of statement of the original by Mr Hargreaves. The private health insurance rebate policy has not been successful in achieving its aims. It was never a good idea in my view. It is time to let it go and return to a sensible health policy that will actually reach the objective of universal health care.

As I said during the debate some time ago, the private health insurance rebate could be used to fund dental health services, aged care health services, public hospitals and indigenous health care, and so on. These are suggestions made also by ACOSS and the Public Health Association.

It could also be put into Medicare, of course, and Medicare could again become a fully equitable system. We do not want to become like America, and I trust that our government will be there fighting alongside the other states and territory governments for a return to a universal health care system.

**MRS BURKE** (11.13): I would like to make a brief comment on the motion put forward by Mr Smyth. It obviously has my full endorsement.

I look with some alacrity at the 15 months since I have been in this place to see that very little has changed. In terms of the two after-hours clinics, we seem not to have established those. It says in the *Rebuilding the ACT health service* fact sheet put out by the Labor Party that this will be resolved in consultation with the AMA and existing locum services.

I have not heard much in the community about discussions and broad consultations. That concerns me greatly. I want to make sure that we make Labor listen to the people of the ACT and, in particular, the people of Tuggeranong and Gungahlin. Statements like "The ACT health system simply isn't working" are quite true, but what are Labor doing about it at this stage? We need to carefully hold the government to account on their promise of this locum service. Action is needed, not words.

19 February 2003

**MS DUNDAS** (11.14): I will just address amendment No 1 from Mr Smyth, regarding the Medicare rebate. The government's private health insurance rebate pours \$2.3 billion per year into the private health insurance industry. Much of that money ends up in the pockets of the insured or shareholders in private health funds, and not in the public health system, where it is desperately needed.

By simply means testing and capping the private health insurance rebate scheme, we would be able to direct over \$1 billion towards the public health system. Neither the federal government or the Opposition is interested in doing that. The Federal Opposition does agree that the private health insurance rebate is "the worst example of public policy ever seen in that parliament." Yet the Australian Labor Party has made a firm commitment to keeping the scheme.

Recently a report written by John Deeble, a health economist and architect of Medicare, found that the scheme reduced the out-of-pocket expenses of insured people but produced no additional care for public patients. It has had no impact on increasing private health insurance membership or hospital waiting lists and is not an incentive to join private health funds.

Sixty per cent of the \$2.3 billion was eaten up by higher ancillary benefit for services such as dentistry, speech therapy and natural therapies; upgrading insurance coverage; eliminating hospital gaps; and extending medical gap insurance over scheduled fees. I understand that Mr Deeble's report will be tabled when state and territory health ministers meet the federal minister—hopefully—later this month. I look forward to hearing Mr Corbell's actions as a result of that meeting.

Considering the abject failure of the private health insurance rebate policy, I cannot support Mr Smyth's amendment, as such a policy should be continually reviewed. The fact that it is such a failure should be a flag to the federal government that it needs to be reviewed. I think we do need to make the strong statement that this Assembly believes that the private health insurance rebate policy is not addressing the issues in public health and is a monumental failure.

**MRS CROSS** (11.17): It is interesting to be able to speak on this from this side of the chamber. I have heard a lot of descriptions used today about the Commonwealth government and the government here and the major parties' words like "political posturing". I think Mr Corbell used those to refer to Mr Smyth's amendment.

Mr Hargreaves used the words "monumental failure" in his motion. It is interesting that people say that health is a very important issue and put it on the notice paper on the 18th when we are here to debate it on the 19th. If members are serious about motions such as this, they should really consult all members in this place, particularly those on the cross bench, when they are seeking to get their support.

I wonder whether, if the federal government were a Labor government, members of the Labor Party here would be using the words "monumental failure" in the motion instead of just "review" or "reassess". I think that both parties use political posturing in this way.

On Mr Smyth's amendment, I have no problem with his amendment No 1, calling on the Commonwealth government to review the Medicare rebate. As Mr Smyth said, it has been a problem, and we acknowledge that. I think it should be reviewed in a serious manner and should perhaps be reassessed.

Regarding the public policy that Mr Corbell mentioned, which relates to the Medicare rebate, he is right. It is public policy, and I am happy that he welcomes the vote. I agree that there is severe pressure on the health care system and that there should be collaboration but, having had discussions with the ACT Division of General Practice on a review of this system, I think it is important that we accept some responsibility locally. We need to collaborate with the local medical profession in order for the local medical profession to make recommendations to the Commonwealth.

So, yes, the Commonwealth has great responsibility in this regard, but we cannot abrogate our responsibility as ACT public servants and members of this place to also make recommendations. Therefore, we need to collaborate with local health groups and medical groups. That is all I am saying on this one.

**MR CORNWELL (11.20):** Mr Speaker, I have a further amendment to move to Mr Smyth's amendment—a technical matter.

**MR SPEAKER:** Have you circulated it?

**MR CORNWELL:** I am about to do just that, sir.

**Ms Tucker:** Are we going to vote on it?

**MR SPEAKER:** I do not want to hold the debate in abeyance.

**MR SMYTH (Leader of the Opposition):** I seek leave to speak again briefly to what Mr Cornwell is going to do, so that it does not hold the debate up.

Leave granted.

**MR SMYTH:** I do not think anybody here would object to the concept of calling on the Commonwealth to review the Medicare rebate. Indeed, Mr Corbell said that it was essential that such a thing happened. If we change my amendment No 3 to No 5, Mr Hargreaves' original 3 would remain and 5 could be included. That would be the purpose of the amendment that Mr Cornwell is now hastily writing and giving to the clerks, so that they may copy and distribute it. That would allow us to keep what Mr Hargreaves wants but add something that I think most people agree with.

**MR SPEAKER:** I suggest this course, Mr Smyth: that you seek leave to withdraw your amendment and move it later on.

**MR SMYTH (Leader of the Opposition):** Mr Speaker, I seek leave to withdraw my amendment and foreshadow that I will move it at a later stage in the debate.

Leave granted.

19 February 2003

**MS MacDONALD** (11.22): I rise to speak in support of Mr Hargreaves' motion that the Assembly notes with concern a number of health care issues. As with Mark Twain, reports of the death of bulk-billing are an exaggeration—but only just. For the first time since 1990, the rate of bulk-billing by general practitioners is less than 70 per cent. Since the Howard government came to office, bulk-billing has fallen by 11 per cent.

Because of this appalling decline people are seeing their doctor less often. In 2002 numbers dropped by 1.75 million visits from the previous year. Last year there were only 99.10 million GP consultations, which is the first time since 1995 that consultations have dropped below 100 million a year. This is not acceptable.

Those who can afford to see GPs who do not bulk bill are paying more for the privilege. The average cost per visit, after the Medicare refund, increased from \$11.51 to \$12.78 over the past year, an increase of more than 10 per cent. This, of course, only affects those who can get an appointment. Australia has an increasing doctor shortage, particularly in rural, regional and outer metropolitan areas, including the ACT. Recently, when calling for an appointment with my own doctor, I was told I would have to wait for a month for a bulk-billed appointment.

There are many other local stories about the doctor shortage. Tuggeranong Community Council president, Rosemary Lissimore, has been trying to get a doctor in the Lanyon area for a number of years, which was reported in yesterday's *Chronicle*. Most doctors surgeries in the region have been unable to recruit new GPs.

The Australian Medical Association says that the country needs an extra 2,000 doctors, about 10 per cent of the work force, but it cannot attract them. According to the AMA, this is because of a relative fall in the remuneration, the medical indemnity crisis, the Trade Practices Act, red tape, not enough university places for medicine students and unrewarding practice conditions.

An obvious solution would be a real commitment to Medicare and bulk-billing, beginning with targeted increases in the Medicare rebate, such as those suggested by federal shadow health minister, Stephen Smith. The shadow minister said the rebate should be increased in areas where bulk-billing was at its lowest or on a steep decline. He also said that incentives were required to ensure that general practice become sustainable and attractive once more. But instead of putting more money into the public health system, the Commonwealth government is wasting billions of dollars on its failed 30 per cent rebate for private health insurance.

Mr Speaker, I am sure you will remember that in 1996, in the federal campaign run by the Liberals—I was then living in Queanbeyan—the Liberals put out a piece of propaganda which had on it a fake Medicare card saying, "Not under threat, will stay." What they did not say was, "You'll still have that piece of plastic in your wallet, but it'll mean nothing—absolutely nothing."



We all remember the federal government's "We're closing the gap" television commercials—the 30 per cent rebate for private health cover illustrated with brightly coloured umbrellas. But the umbrellas proved leaky, and the gap remained open. The rebate has been a comprehensive and expensive failure. It aimed to increase private funding to the health care system despite remaining gaps in private cover. But private funding has actually fallen by about 26 per cent since the rebate was introduced.

Yesterday it was revealed that almost 200,000 under-40s had cancelled their private hospital cover in the past two years. Almost 12,000 of these people cancelled their cover in the past three months. Young people are leaving in droves, according to Australia Institute executive director Clive Hamilton.

As health expert John Deeble—already quoted—an ANU visiting fellow and an architect of Medicare, said in a scathing report to ministers, "The Commonwealth has simply replaced private funding with over \$2 billion of its own." Of course, this money could have gone to the public sector, which would have been faster and fairer. Deeble points out that for additional grants equal to the rebate cost, "The public hospitals could treat almost 60 per cent of all the patients now treated in the private system."

The cost to the Commonwealth will continue to grow if the rebate remains in place. The Commonwealth government is supporting private health insurers at the expense of consumers. Medibank Private and MBF last month applied for permission to increase premiums, putting private cover even further out of reach of low income earners.

Even their own employees might struggle to afford private health cover. I can say from my experience of having worked for the Australian Services Union, who cover virtually all of the private health insurance companies, that the ASU has found that health insurers treat their staff poorly in most cases.

Even if you do not have private health insurance, the rebate is costing you through tax. It is a catch-22 situation. Doctors' Reform Society president Tim Woodruff told the *Canberra Times* that, "all Australians were, in effect, forking out for higher premiums through paying the 30 per cent private health insurance rebate."

Despite the money the Commonwealth is pouring into private health cover, private in-patients should still be warned to mind the gap. *CHOICE*, the Australian Consumers' Association's magazine, recently published two examples of this. In one, a young woman who had a hip replacement was discharged quickly, meaning that most of her treatment, such as X-rays and physiotherapy, was provided to her as an outpatient. Outpatient costs are not fully covered by private insurance, so she had to pay, while her bed was freed up for what *CHOICE* called "a more profitable patient".

Similarly, a woman gave birth to her child in a private hospital, but her healthy baby was considered an outpatient. She was unable to claim the gap between the Medicare rebate and the scheduled fee for basic paediatric services.

19 February 2003

This puts me in mind of something that I was told a few years ago by a friend of mine now living in the United States. My friend had her first child here in Australia and her second child in the United States—and she does have private health insurance cover in the United States. But if she had not had her first child in Australia, she would not have been able to breastfeed either of her children because in the United States there are cases where people's insurance coverage will only cover them for one night.

If you happen to have your child at five minutes to midnight, that is considered to be the night. So you are expected to leave the hospital first thing next morning. I do not want to see that situation happening here in this country, and it seems like the federal government is hell bent on taking us down that path.

Deeble's report makes it clear that the rebate has been a failure. There is no point delaying the inevitable decision that the rebate must go. As the AMA says, the Commonwealth government needs to drastically rethink its health policy, and at the local level the ACT Legislative Assembly needs to note the impact on health issues for the people of Canberra.

Mr Smyth was talking about how the Labor Party in this place was looking to blame somebody else. Yes, we are blaming the federal government. We are blaming them for not spending the dollars in the right place.

People do not like the health care rebate. They do not like being coerced into private health insurance. I know for myself that I feel like I have been coerced into going into private health insurance. I do not like it. I am amazed at the fact that I am now paying this extra money for what seems to be no return whatsoever. And I am in an envious position, for a lot of people, in that I can afford to pay for a lot of my health costs. Yet I was wondering only the other day why it was that I had recently joined a health insurance company.

But, to try and end on a positive note, it is good to see the ACT government raising these matters at the next Commonwealth-state health ministers' forum. I commend the government and Minister Corbell for this initiative and hope the federal government will take heed of this lobbying on behalf of the people of Canberra—although this looks unlikely, considering the federal health minister's failure to show at the next meeting. I congratulate Mr Hargreaves for raising this matter and bringing it to the attention of the Assembly.

**MS TUCKER** (11.33): I will be speaking to the motion of Mr Hargreaves and also moving the first part of my amendment. I move:

Omit the words "and welcomes the actions of the ACT government to raise these matters", substitute "and encourages the Government to strongly convey these concerns, to detail the unmet needs of the ACT community in this area, and argue the importance of Commonwealth funding to rebuild Medicare as an equitable system of health care".

This debate today continues what the Greens began in November last year, with a motion calling for a government strategy to address the decline in bulk-billing, in the context of an irresponsible federal government attitude.

Of course, the federal context has shifted even further from what ought to be the core business of government, with John Howard's fixation on the war. In the *Canberra Times* on 14 February, the federal Treasurer, Peter Costello, responded to the Australian Medical Association's call for a 1.5 per cent increase in the Medicare levy by saying that defence was the top priority. We will be talking about the war later today, so I will not go into detail on that at the moment.

Mr Costello is quoted in this article as saying:

“We won't be increasing expenditures by billions of dollars... In a difficult budgetary situation with troops already pre-deployed to the Middle East and the expenses involved in the defence build-up, the priority for expenditures will be defence.”

This is an outrageous situation. The United Nations Secretary General is not calling on us to do this. We are following a president who was not even properly elected. I support very strongly this motion for the government to take a strong position to the next health ministers meeting. In fact, as members are aware, I have prepared an amendment to the motion to make it clear that the assembly encourages the government to take a strong position. I do not know at this stage what they will be saying at the meeting. That is the amendment I am talking to now.

In our community at the moment, there is clearly a terrible lack in the availability of bulk-billing. Basically, the federal health minister's responses in recent months to the increasing attention to the bulk-billing crisis has been to talk about shortages in rural areas. Whilst this is also clearly a serious gap—there are communities left with no GPs when the local GP retires after 20 years because there is no-one willing to live with the conditions—the ACT's rate of bulk-billing is at a similar level to that in many rural communities.

The ACT has been left out of metropolitan fringe and rural initiatives, and yet we are firmly at the bottom end of the scale for bulk-billing access. Having insisted on setting up basic medical services as independent contractors, the government has made the conditions almost untenable. Something has to give.

I note with concern the decline not only in the ACT, but around Australia, and the federal government's misplaced and misguided priorities. The main point I want to make now about my amendment is that we are making the motion more proactive at the meeting with the Commonwealth by encouraging the government to strongly argue the concerns being raised in the Assembly today.

19 February 2003

**MR CORBELL** (Minister for Health and Minister for Planning) (11.37): Labor will support this amendment. For the interest of members, and following Ms Tucker's comments, I will be conveying very strongly at the Health Ministers conference this Friday, as I did at the previous meeting at the beginning of February, the very real and immediate issues faced by our community.

I will be strongly conveying that we have the lowest rate of bulk-billing in the country and a serious shortage of GPs, comparable with outer metropolitan or rural and regional areas in other parts of the country and subsequent pressure on our public hospital system—particularly our emergency departments.

Along with all of my colleague state and territory ministers, I will be outlining what we believe is a holistic response to the issues we face—because, whilst the ACT has areas of pressure, it is not unique. All states and territories face similar dilemmas when it comes to bulk-billing, the provision of GPs and pressure on our public hospital systems—the capacity of our health system overall.

Mr Speaker, I would like to table a letter to the federal minister which I, along with all other state and territory ministers, signed. This outlines the position of the combined governments on an overhaul of the health system. I table that for the information of members.

Health Care Agreements—Special meeting of State and Territory Health Ministers—Tuesday, 4 February 2003—Facsimile copy of letter and attachment, dated 19 February 2003, from State and Territory Health Ministers to the Federal Minister for Minister for Health and Ageing.

**MR CORBELL**: That is the agenda I will be pursuing, along with all other state and territory ministers. We have a unique opportunity to undertake a collaborative and wide-ranging process of reform. It requires the Commonwealth to engage, not walk away from the table, especially when the Commonwealth has called us to the table for the meeting this Friday.

**Ms Tucker's** amendment agreed to.

**MS DUNDAS** (11.39): Mr Speaker, I take this opportunity to speak on the motion in general, without amendments clouding it, which we will be discussing later. The issue of access to GPs has been raised several times in this Assembly. As we have heard in this debate, it is an area of interest to all of us.

Back in May 2002, I asked the then Minister for Health what he was doing to improve access to affordable medical services. Mr Stanhope replied that addressing the GP shortage was primarily an issue for the federal government.

The Minister for Health has pointed to the Canberra Medical School as the longer-term solution to the shortage of GPs in the ACT. I agree that a local medical school will play an important role in training and retaining local doctors, but I doubt it will entirely solve the problem. In September last year I introduced a motion, which was passed, calling on the ACT government to accelerate the accreditation of nurse practitioners to address Canberra's growing GP shortage.

The report from the nurse practitioner trial was released in December. Despite this report showing that the scheme was a great success, we are still waiting on word from the government. As we have no firm commitment of funds, we are still unsure just how many nurse practitioners will be operating in the ACT.

In November 2002, Ms Tucker brought forward a motion on the same issue. The non-government parties called on the government to produce a report on what it was doing to help solve the GP shortage. During this debate, I floated the idea that the ACT government reconsider employing GPs in community medical centres at a sufficiently attractive pay rate, therefore improving access to bulk-billing doctors. I believe most of the employed GPs were sacked by the previous government and that, as a result of that, access to bulk-billing doctors has declined. The motion in November demanded that the report be tabled by the December sittings—thankfully it was.

The report was largely a buck-passing one, blaming the federal government for all of the ills. Whilst, in his speech, Mr Hargreaves mentioned a number of strategies in which the local government is taking part, we are seeing, again and again, a continuation of the buck-passing and the pointing of fingers at the federal government as being the main problem.

We blame the federal government for the shortage of GPs and the decline in bulk-billing. We now also blame them for the failure of the private health rebate scheme. There is no question that the federal government has a huge impact on health services here in the ACT, but there are a number of strategies the ACT government should be implementing to reduce the problem in the local sphere.

I would like to see the ACT government make a real commitment to nurse practitioners, reconsider the employment of GPs in community medical centres and get their federal ALP colleagues to either oppose means tests or cap the monumental failure that is the private health insurance rebate scheme, so we can then move from passing the buck to solving the problem.

**MR CORBELL** (Minister for Health and Minister for Planning) (11.43): I seek leave to move the amendment circulated in my name.

Leave granted.

**MR CORBELL**: I move:

Add the following new paragraph:

- "(4) notes that the Government will outline its overall response to addressing these issues including relevant timeframes for implementation, once the Australian Healthcare Agreement negotiations are finalised."

19 February 2003

Mr Speaker, my amendment seeks to address issues raised in the debate by a number of members. As Minister for Health, I am very happy to outline the territory government's response to these issues, to demonstrate how we believe we can best address the issues of decline in bulk-billing, the shortage of GPs and pressure on emergency departments at our hospitals.

Mr Speaker, I am prepared to do that only once I know what the Commonwealth is prepared to put on the table for the territory. Under funding arrangements, the Commonwealth has responsibilities to fund primary care and GP services—and to support access to GP services.

It is essential for the Assembly to recognise that the government must keep all of its options open, not commit to particular courses of action as we negotiate with the Commonwealth on what they are prepared to pay us to pay to services in the territory to support primary health care.

My position—and the government's position—is that we will outline our response to best address these issues once we know what the Australian Health Care Agreement says, and what the Commonwealth is prepared to provide to us.

The Australian Health Care Agreement negotiations are under way at the moment. Even if Senator Kay Patterson does not want to meet with us, they are nevertheless under way. Once they are finalised—which I would anticipate to be around mid-year, depending on the Commonwealth's timetable—it will be very much driven by the Commonwealth's position. The government will then be in a position to respond on these issues. That is the purpose of the amendment, and I seek members' support for it.

**MS TUCKER** (11.45): I understand Mr Corbell's argument for this amendment to be that he wants to wait until he knows what the Commonwealth is offering before he says what the ACT would do to pick up any slack, and that there could be a difficulty if the ACT government is taking an initiative at that point in time.

It is a difficult situation that we find ourselves in because there is a fundamental failure of essential service provision in the ACT right now. We have had this for far too long. Whilst I understand what Mr Corbell is saying and I will accept this with the amendment that Ms Dundas was going to put—changing the words to “calling on the government”, to give the Assembly a clear outline of a strategy to deal with the issues after they have the information from the Commonwealth—I am concerned about the situation in which we find ourselves. I think that, when the ACT government comes back to this place—understanding that it depends on what the Commonwealth does—it must have a clear strategy with time lines and targets.

It is not okay to be getting documents like the one I got back as a result of the motion in November. It was inadequate. We were trying to get something to happen differently for people in the ACT who do not have very much money and therefore cannot access doctors. That is the bottom line.

There were a couple of comments in the paper that I would like to question. In the paper, the government said that the restriction of provider numbers has exacerbated a shortage of GPs in the ACT. It says that benchmarks used by the Australian Medical Work Force Advisory Committee indicate that the ACT has a shortage of 50 to 60 full-time equivalent GPs. The shortage of GPs reduces competitive pressures between individual practices and reduces pressures on GPs to bulk-bill.

I am not sure about that argument—I think it could be seen to be a dangerous presumption. I am interested to know whether this is the result of coordinated research into the question. For instance, when the Interchange General Practice closed last year, the people who provided that service were unhappy that they had to change, but felt they had no choice. The Medicare rebates did not cover their costs and they were bulk-billing 70 per cent of their clients. They noted too that, between 1985 and 2000, the CPI rose 95 per cent but the Medicare rebate for general practice rose by only 45 per cent.

In the debate in November, I suggested that the government should look at options such as community health centres, which were scrapped by the Carnell government in the third Assembly.

I am not going to move my amendment because I understand the argument from Simon Corbell. However, I just want to get on the record the measures we have suggested—that any strategy must ensure that every person in the ACT, regardless of income, has adequate access to the services of a general practitioner; that we do want to see the government consider options such as mechanisms to support general practitioners to provide bulk-billing, and that we want them to look at the re-establishment of community health centres with salaried medical officers and other health practitioners.

That leads me to Mr Smyth's amendment, which we will probably get to, where he asks specifically for facilities at Tuggeranong and Gungahlin. I do not want to support that. I know it was an election commitment, but I do not know that they are the only places I want to specifically say need some kind of community health centre or salaried medical officer. The need could be broader than that.

I am making the point for the record in this debate that, if my amendment had got up, it would have stressed that we need these community health centres with salaried medical officers, or some other model which ensures that people have access to a general practitioner.

In the paper in response to my November motion, there were some initiatives listed by the government, but there was no time line. From the government, I would be interested to hear results of the working group of GP work force issues with the ACT, the AMA, CAHMS, the ACT health department and the Commonwealth health department, among others.

I am interested in progress towards independent midwifery practice being re-established in the ACT by auspicing through community care, or an association as mentor or preceptor through the Canberra midwifery program. That would take pressure off the hospital system as well.

19 February 2003

Basically, those are most of the points I wanted to raise. I will be supporting Mr Corbell's amendment. I will not be putting my amendment, but I have placed my concerns on the record.

I will be supporting Ms Dundas's amendment to Mr Corbell's amendment, which changes the words from "notes that the government will" do various things—respond and talk to the Assembly after the meeting or, when they know what the Commonwealth is offering, changing the words "notes that" to "calls on". I cannot "note that" because I do not know that definitely. We will call on the government to do it and we will be reassured to hear Mr Corbell say that he will do it.

**MS DUNDAS** (11.52): I move my amendment to Mr Corbell's amendment:

Omit "notes that the Government will", substitute "calls on the Government to".

This is a small and possibly technical amendment, but it goes to taking note of the Assembly's role in this debate. We have heard from the government that it will be outlining its response. The minister would like us to note that, but we heard it today and we need something stronger than that. This Assembly needs to call on the government to provide its response, so we then have the words in place to make sure the power rests with this Assembly.

It is important that the issue of general practitioners and the overall health strategy in the ACT, and how it fits into the health strategy federally, be resolved. An overall response, including relevant time frames for implementation, is something we, as an Assembly, are desperately looking for. A technical amendment such as this puts an extra onus of responsibility on the government to be responsive to this Assembly and the community, to provide the information we are seeking on the outcomes of the Australian Health Care Agreement negotiations.

**MR CORBELL** (Minister for Health and Minister for Planning) (11.54): The government is on the record—we will outline our response. The government has moved an amendment to that effect. We will outline our response once the Australian Health Care Agreement is finalised and we know what the Commonwealth will be doing to address these issues, and what other matters we will have to consider and address.

The government is on the record. I think this is a fairly pedantic point, but we are not going to oppose the amendment.

**MR HARGREAVES** (11.55): For the simple people, this motion was moved by me. I am very grateful to hear the government's response to the requests from the crossbench. I would hate anybody in this Assembly to think that this was a government-moved motion, when it was not. I am very glad to see that the government is in fact going to provide me with the same information which has been solicited by my good colleagues on the crossbench.

**Ms Dundas's** amendment agreed to.

**Mr Corbell's** amendment, as amended, agreed to.



**MR SMYTH** (Leader of the Opposition) (11.55): Mr Speaker, I move the amendment circulated in my name entitled the new Part 4.

Add the following new paragraph:

“(4) and calls on the ACT Government to honour its election commitment to establish at least two after-hours clinics staffed by general practitioners, and examine the need to extend this service to Tuggeranong and Gungahlin.”.

To read it so that there is clarity, it says to insert the new part (4) and calls on the ACT government to honour its election commitment to establish at least two after-hours clinics staffed by general practitioners and examine the need to extend this service to Tuggeranong and Gungahlin.

Mr Speaker, this is about holding governments accountable. They went to the election with these policies and they have not happened. They are part of the solution to the problem which confronts all of us here today.

I note Ms Tucker’s concerns about whether it is just Tuggeranong and Gungahlin. I think she is right—that is what the government said in their platform. If somebody wishes to extend that and include words like “and other areas of need”, I would have no dilemma with that.

The work has been done. We set up the trial of clinics run by GPs. The government said, in the lead-up to the election, that they would review that, improve it if necessary, and then extend it. It is part of the solution. It will take pressure off accident and emergency departments. By having clinics in other areas like Tuggeranong and Gungahlin, we will overcome some of the dilemmas—that services provided on the hospital grounds are not covered by the rebate.

The point is that there are some things the local government can do immediately. This was their own idea and suggestion and I think they should follow it up. I certainly agree they should follow up with the federal government on extending rebates, undertaking reviews and getting extra assistance from the states and territories. That is what we were doing. We would seek the support of the Assembly to achieve that.

**MR HARGREAVES** (11.57): We will not be supporting this amendment—I certainly will not be supporting it, anyway. I have been involved in discussions with the departments of health and the minister’s office about the need to extend these sorts of services to Tuggeranong and then ultimately to Gungahlin. I have done that while this government has been in office.

The reason I oppose this is because the government has in fact honoured its election commitments. It has looked at trying to establish the two after-hours clinics. You might note that there is one free clinic at Calvary Hospital. You might note also that you cannot put a free clinic on our own public hospital campuses, because people cannot get the Medicare rebate—the bulk-billing rebate. Nevertheless, the department has been exploring with the Commonwealth ad nauseam the possibility of providing the two after-hours clinics. The department has advised me of it because I was asking a question about it. You will also know that you cannot staff something with GPs if you cannot get the GPs—and you just cannot get them.

19 February 2003

Mr Speaker, I sincerely hope we get an after-hours clinic and that it is one which addresses chronic deafness. Certainly the Leader of the Opposition could do with an appointment to see about his hearing. I have said three times since I have been on my feet that these clinics have been investigated ad nauseam. I have said that Mr Smyth can go to Calvary for absolutely nothing and see a GP for a referral to an audio specialist.

I also advise the Assembly that the department of health, in conjunction with the Tuggeranong Community Council—and in conjunction with myself—has explored the need for additional medical services in Tuggeranong. Referring to it as GP services for the Lanyon Valley is a little simplistic.

Mr Smyth talks about extending this service to Tuggeranong. The northern part of the Tuggeranong Valley does not have a problem with GPs. The Tuggeranong town centre—for the edification of Mr Smyth—does not need GPs. The Erindale Centre does not need GPs and the Chisholm area does not need GPs. The Lanyon Valley does need GPs or a medical service. What has the government been doing about it?

**Mr Smyth:** So your policy was wrong?

**MR HARGREAVES:** I will tell you, Mr Speaker. Mr Smyth has to speak loudly because he is suffering from deafness. The deaf always speak loudly!

The advice I have received is that the Lanyon Valley has a definite need for medical services. I have expounded that need in this place before. I also know that there is an alternative model of a nurse practitioner. A nurse practitioner is not the same as when Mr Smyth was a little boy, not all that long ago. It was not a nurse practitioner, where you got a practice nurse in a clinic. We are talking about a professional considerably higher qualified than they are now, practising family medicine in the suburbs.

New South Wales—a Labor jurisdiction—is blazing away while your Commonwealth mates sit on their hands. God only knows where their thumbs are! Mr Speaker, the rank hypocrisy of these people over the back here absolutely astounds me.

**MR SPEAKER:** Order, Members of the Opposition! Mr Hargreaves has the floor.

**Mr Smyth:** He has this effect on us, Mr Speaker.

**MR HARGREAVES:** Thank you very much, Mr Speaker. I wear that accusation as a badge of honour, Mr Smyth.

What these people refuse to acknowledge is that a process that was started within the bureaucracy over which they had management and was boosted along by the same bureaucracy over which this minister has management, is starting to bear fruit, when we have to determine whether we need GP services or general medical services, ably provided by nurse practitioners, and whether it is a model we can employ to get over the chronic GP service shortage that your federal mates have generated. When we talk about the GP service here, we are talking about Paterson's Curse. In fact, we have to come up with novel ways of doing it—it happened—and you get this sort of tripe being trotted out here to examine the need to extend this service to Tuggeranong and Gungahlin.

**Mr Smyth:** I quoted it from your policy!

**MR HARGREAVES:** And we have done it! We did it while you slept. Rip Van Winkle over here sleeps, while the Labor Party gets on and does it.

**Mr Smyth:** Did you announce that you had broken your promise?

**MR HARGREAVES:** Mr Speaker, I did not announce that we had broken our promise because we did not—we went out there. Where does Mr Smyth sit, in the consultation processes? He sits up the back of a Tuggeranong Community Council meeting and says zot—sod-all. While I am out there talking to the GP adviser, the Department of Health and the people in Lanyon Valley—and I am talking about heaps of them—what happens? He is talking to himself. He is looking up Labor Party policy and saying, “Oops, it must be printed, so they have not done it.” Wake up, sunshine, because we have done it! We are not going to support your motion or your amendment here, because it is unnecessary, it is untrue and it is just plain stupid.

**MRS CROSS (12.04):** Mr Speaker, I truly pay you homage today. I know you have been in this place for 13 years and I have been here for just a year and a quarter. I now know what stops you from falling asleep and getting too bored. This is a combination of *Happy Days*, *Dad’s Army* and a carry-on movie!

**MR SPEAKER:** Thank you for your sympathy!

**MRS CROSS:** I can only imagine the trials and tribulations.

I am a little puzzled. I want to support the second part of Mr Smyth’s motion, which calls on the government to honour its election commitment to examine the need to have a service in Tuggeranong and Gungahlin. I do not understand why the government is not supporting it.

When you look up the ALP’s policy on health, it says,:

Labor announced, in April, that we would establish at least two after-hours clinics, staffed by general practitioners...

It then says:

Labor will consider the outcomes and perceptions of these trials, and address any problems arising. Labor will look at whether there is need to extend this initiative to providing after-hours GP clinics also in the southern suburbs of Tuggeranong, and in Gungahlin.

That is part of what is on the ALP website. Further on, it says that Labor will therefore establish at least two after-hours clinics staffed by GPs.

These two things seem to go together—the Smyth amendment and the ALP health platform. What has changed since this was on the web? In fact, this was printed in November 2001, shortly after the election. Has something changed since then? If so, has it been updated on the ALP website? I agree with Mr Hargreaves on one thing. He is right—Lanyon Valley does need a doctor. There is a great need there for a doctor. People in that area have been crying out for medical care for quite some time.

19 February 2003

At the moment, we are discussing the Smyth amendment. That relates to Tuggeranong and Gungahlin, and correlates well with the ALP platform position on health, in establishing two after-hours GP clinics in the southern suburbs of Tuggeranong and Gungahlin—funny, that! What is the problem? I support this amendment.

**MR CORBELL** (Minister for Health and Minister for Planning) (12.07): Mr Hargreaves is a passionate advocate for his electorate. The government is conscious that we have a very hard-working and dedicated member in Tuggeranong who knows the issues well. He knows the personalities, and will always be a strong advocate on these issues in this Assembly, in the party and in the government caucus room.

Mr Speaker, Mr Hargreaves is right in asserting that Mr Smyth's claim is somewhat misleading. The Labor Party's policy referred to the southern suburbs of Tuggeranong, not to Tuggeranong per se. I think that is the point Mr Hargreaves was seeking to make.

As I outlined earlier in the debate, the government is going to be addressing the issue of the establishment of after-hours clinics. Our policy says we would prefer to see those clinics located at public hospitals, because that is where people are going if they cannot get to a GP. At the moment, as members should be aware—and as Mr Smyth should be aware—you cannot locate bulk-billing services on the campuses of public hospitals under the Medicare agreement. They must be absolutely free.

To address this matter, the government will be working through this issue as part of the Australian Health Care Agreement. As I have outlined in the letter I tabled earlier today, signed by all state and territory health ministers, we believe the issue can be addressed by getting the Commonwealth to agree to at least trial the location of GP clinics on public hospital grounds or, alternatively, to permit emergency departments to bulk-bill patients who are in category 4 and 5 classifications.

That is the way the government is addressing the implementation of that commitment. It is a rational and informed approach, and Mr Smyth's hysteria on the matter will not see the issue better addressed. That is the government's response on the matter.

Mr Speaker, in relation to the need to extend the service to Tuggeranong and Gungahlin, as Mr Hargreaves has pointed out, there is difficulty in getting GPs into Canberra at all, let alone into Tuggeranong and Gungahlin. Again, the government's response in attempting to honour its election commitment is to engage, through the Australian Health Care Agreement, in negotiations on measures to, first of all, recognise the circumstances of the ACT and ensure that the Commonwealth provides the necessary incentives for doctors to come to the ACT, in the same way that they are providing incentives for regions in exactly the same circumstances as the ACT, but which happen to be seen as more politically important.

Let us understand why the federal Liberal government does not provide those incentives. It is because this community returns safe Labor seats in the federal parliament. That is the only reason why they do not provide that assistance. On any other assessment, this city and this territory would receive similar assistance, because other regions and outer metropolitan areas in exactly the same position as the ACT receive that assistance. So why does the ACT not receive the same treatment? Mr Smyth knows it is true that it is all about politics—nothing more and nothing less.

Mr Speaker, this amendment is simply an attempt to score a cheap political point. The government is moving to implement these commitments, and I have outlined how it is doing so. Progressing this debate and progressing this issue will not be assisted by relying on the simplistic assertions of the shadow minister for health.

Question put:

That **Mr Smyth's** amendment be agreed to.

The Assembly voted—

Ayes, 9

Noes, 8

Ms Burke  
Mr Cornwell  
Mrs Cross  
Ms Dundas  
Mrs Dunne

Mr Pratt  
Mr Smyth  
Mr Stefaniak  
Ms Tucker

Mr Berry  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms MacDonald

Mr Quinlan  
Mr Stanhope  
Mr Wood

Question so resolved in the affirmative.

Amendment agreed to.

**MR SMYTH** (Leader of the Opposition) (12.16): Mr Speaker, I seek leave to move the amendment circulated in my name—No 5.

Leave granted.

**MR SMYTH:** I move:

Add the following new paragraph:

“(5) and calls on the Commonwealth Government to review the Medicare rebate.”.

Mr Speaker, this is a simple amendment calling on the government to also tell the Commonwealth that it is time to review the Medicare rebate so that essential services like GP services are more accessible. Hopefully, this will lead to an increase in bulk-billing. Then perhaps Mr Hargreaves could get an appointment with his eye doctor so he can get an upgrade of the prescription. He obviously has some sort of stigma in his eyes, so that he fails to recognise certain paragraphs in the Labor Party policy.

19 February 2003

**MR HARGREAVES** (12.17): I thank Mr Smyth for his referral to the eye specialist. Mr Speaker, we will have to get one of those joint medical specialist clinics. You can see the ear doctor and I will see the eye doctor!

I am happy to support Mr Smyth's amendment, with one proviso—that, when the Commonwealth does get around to reviewing the Medicare rebate, it jacks it up and does not abolish it altogether. That is my biggest fear. As long as we in this assembly understand that we are talking about a review of a rebate to put some more justice into the system and not kill it off completely, then I am happy.

**Mrs Cross:** Are you putting an amendment to the amendment?

**MR HARGREAVES:** No. I just want it on the record that that is what we are talking about. Our understanding is that Mr Smyth wants to see some more justice in the rebate, and not its death.

Amendment agreed to.

**MR HARGREAVES** (12.18): I thank members for the robust nature with which they have engaged in the debate. I also thank the minister for a lot of the undertakings given here today. I look forward to his return from the battleground of the Health Ministers forum. I just hope that the delightful Senator Patterson changes her mind about turning up and gives everybody a shock.

Mr Speaker, at the end of the day, what I was trying to get out with this motion was that we were seeing, in fact, an exercise in numerical and semantic gymnastics. All this works only to the detriment of people who cannot afford to pay for health services.

The transfer of money from the taxpayers' health purse into the purses of private insurance companies is abominable, in my view—it is abhorrent to me. We ought to be taking the same amount of money and providing health dollars to the people who cannot afford it. When I have a procedure done, I pay for it myself. I have health insurance, but I still pay for it. Nonetheless, there are many people who are a lot worse off than I am, and a lot worse off than the people in this chamber.

We need to make sure that a safety net exists. I am seeing that safety net being ripped apart, strand by strand. If it were not for those good officers who search for alternative methods to protect the health of our men, women and children—and aged people and people with disabilities—in the suburbs, we would probably be considerably worse off than we are now. So I pay credit to the department of health.

I trust that the chamber will pass this motion as amended, and I thank Mr Smyth for his amendment on the rebate.

Amendment agreed to.

Motion, as amended, agreed to.

**Sitting suspended from 12.21 to 2.30 pm.**

## **Questions without notice**

### **Bushfires**

**MR SMYTH:** Mr Speaker, my question is to the Chief Minister. Chief Minister, you told the Assembly yesterday that advice was given to you between 2.00 pm and 2.30 pm on Saturday, 18 January to declare a state of emergency. Duffy residents have told me that police were deploying in Duffy at approximately 1.00 pm, preparatory to a declaration of a state of emergency. Can you inform the Assembly what time the police first made a request, or advised the Emergency Services Bureau to commence procedures for a declaration of a state of emergency?

**MR STANHOPE:** I cannot tell you at what time the police first raised the issue of a state of emergency with the Emergency Services Bureau, but I am happy to take that on notice.

**MR SPEAKER:** Do you have a supplementary question? It is supplementary information, really, if it has been taken on notice.

**MR SMYTH:** It is supplementary to the supplementary! When were the first indications that urban areas were under threat, and what arrangements were made to issue warnings? If you want to take that on notice as well, I would understand that.

**MR STANHOPE:** In relation to the precise detail of those sorts of issues, I would, once again, have to defer to the Emergency Services Bureau. These, of course, are matters which will be very much part and parcel of the detailed and comprehensive submissions the Emergency Services Bureau is currently in the process of preparing for both the coroner and the McLeod reviews—the joint reviews which will get to every aspect of the fires, from the time they commenced until disaster befell the ACT.

I do not have the precise details of the specific issuance of warnings by the Emergency Services Bureau in relation to the four fires which were commenced by lightning strike and which, on 18 January, impacted on the community. I am certainly aware that, as early as on the Thursday and Friday, the Emergency Services Bureau was, through its communications and media releases about the bushfires and because of the level of alert or concern being experienced, drawing attention to the existence of the fires and the fact that they were potentially serious.

In relation to specific broadcasts on the Saturday, I know, as all members do, that, some hours before the fire reached the suburban fringe, the Emergency Services Bureau was issuing alerts. As the afternoon progressed, the initial alerts were converted into definite warnings in relation to specified suburbs, and specific suburbs were put on high alert as a result of the advancement of the fire.

To the extent that we have the timing, I am happy to get, for each of those, that detailed information for the Assembly—separate statements and declarations. I do not have it off the top of my head. I have some fairly significant bushfire briefings here to enable this issue to be covered, I will be happy to provide that information to the Assembly before the close of question time today.

### **Territory finances**

**MR HARGREAVES:** My question is to the Treasurer. The Leader of the Opposition is struggling to follow the most recent revision of the budget position and blames your accounting semantics for his failure. For Mr Smyth's benefit, would you please explain the sophistry—Mr Smyth's word—of the territory's financial position.

**MR QUINLAN:** I thank Mr Hargreaves for his question. I think it is going to become important that we make clear the impact of superannuation and fluctuations in earnings on superannuation investments in the near future because if Mr Smyth is tipping his hand then the commentary he is going to make on the territory's finances will have only a passing acquaintance with the real facts.

I have to claim that back in February of 1999, as chair of the select committee on the territory's superannuation, I wrote a report that warned that if we had large superannuation investments out on the equity markets then the probability of experiencing fluctuations in share price indices would be extremely high. It went on to say that if the amount of investment was significant then it would have a very material impact upon the bottom line of the territory. That was in relation to the then government's desire to liquidate the asset called Actew and turn a regular earner into a lump of cash.

In fact, a large amount of the money that we have set aside in superannuation investments had its origins in capital rehabilitation from Actew to show that there is some funding behind the superannuation investment. That put Actew into a position of borrowing. So over time the previous government liquidated a very large proportion of a very sound asset rather than taking a little bit more sophisticated view of the territory's position, the earning capacity and, in fact, our general asset value against this particular liability. And as a function of that and as a function of trying to fund the superannuation liability we do have quite a large amount.

I gave a warning and made recommendations at the time. I remember a number of times, either in a public forum or in this place, saying that some Treasurer in the future was going to preside over an horrendously bad bottom line and that it was going to be because of decisions taken back then. I have to say that they are quite prophetic words because I am sitting here with tremendous impacts having been made upon the bottom line of the territory that are a direct result of fluctuations in equity markets and the large liquid asset backing we had for our superannuation liability. It is in fact the main cause of impact; it is the main cause of an expected deficit for this current year.



Again, going on past form, I do not expect the opposition and the Leader of the Opposition to have sufficient self-respect to not in fact still say silly things like it was over expenditure and mismanagement in six months that caused this deficit—the Leader of the Opposition, of course, got his figures crossed even yesterday.

If you want to talk about sophistry, let me tell you that back in about 1999 there was an actuarial review of the superannuation liability and it was found that the liability was overstated. The then Chief Minister and Treasurer, Kate Carnell, and her Under Treasurer, Mick Lilley, decided that that was something that ought to be amortised. You can imagine the discussion—“Gee, we have got \$269 million or something on the bottom line. No-one is going to believe that. What are we going to do with that? How about we amortise it over 12 years or so and that will give us about a \$30 million start each year. So we have got a \$30 million flier because we have got this credit amortisation flowing for the next few years.” That is probably closer, I have to say, to sophistry than me standing up and saying, “By the way, the investments are not earning.” In fact, we have suffered some capital losses on these liquid assets, liquid assets that I warned some years ago that we should be measured about.

I ask those members of the House that are open-minded about this to take note of these impacts because, as I said, if past form is a guide, I anticipate that there will be direct blatant misinformation peddled about the causes of the situations that the Assembly finds itself in from time to time, unfortunate thought that may be.

I have previously bemoaned the fact that there is insufficient analysis of the numbers that are from time to time presented to this place and in the public forum. I would make a plea to the press in particular that they take a bit more note of exactly how things happen and that we do get a little bit more analysis. We all know the running joke about the misinformation that Mr Humphries peddled that the level of deficit that occurred in 1995-96 during the Carnell government was somehow Labor's, and the mindless parroting of it by Mr Smyth since.

**Mrs Dunne:** You don't like \$344 million. You don't like to be reminded.

**MR QUINLAN:** I will say this and I have stated this before in this House—

**MR SPEAKER:** Order! Interjections are out of order and so is responding to them. Just stick to the point.

**MR QUINLAN:** I will say, Mr Speaker, that anybody who says in this place or anywhere else that Labor made a \$344 million deficit in any year is a damned liar and should be reported in the media as such because it is a damned lie.

**MR HARGREAVES:** Mr Speaker, I have a supplementary question. Treasurer, is the ACT alone in experiencing this downturn in relation to superannuation investments?

**MR QUINLAN:** Of course not. Let me say that this is not absolutely common because some will not see and some do not have the background or the capacity to see that in fact most superannuation funds virtually effectively across the western world have taken something of a hiding over the last couple of years. This is equally true of Australian states—Victoria, a billion dollars; New South Wales has lost huge amounts of money. In fact, it is only the states that do not have liquid investments supporting their superannuation liability that look better. I am not arguing for zero investment to support our superannuation. I do think we should support it. I remind members of the madness that it was to sell off an asset like Actew, to either pull huge amounts of capital out of it or to sell off half of it and turn that into liquid funds and then lose on it. I thought that was crazy. That was the punt that was taken and it was a punt that was warned against.

Let me assure you, Mr Speaker, that the ACT is not alone. In fact, it is not as bad as many in terms of the level of losses that have been suffered with superannuation investments. I do expect to have to stand in this place again and try to communicate this position because, as I have said, I do not think the new shadow Treasurer has the self-respect to at least educate himself and recognise that he ought to at least deal with the facts rather than a fiction.

## **Bushfires**

**MRS CROSS:** My question is to the Attorney-General and concerns the protection of witnesses before the impending inquiries into the January bushfire disasters.

Minister, inquiries under the Inquiries Act 1991 and Assembly inquiries attract privilege, and witnesses are protected accordingly. Is it your intention that witnesses before the pending McLeod inquiry and the coronial inquiry will have their evidence protected?

**MR STANHOPE:** The coronial inquiry into the deaths, which has commenced, will certainly attract all the privileges and protections that are part and parcel of our court system. In that respect, the witnesses and evidence before the coronial court will be fully protected. The coronial inquiry will attract the privilege, and witnesses will have available to them all the protections that are available to witnesses before the court. They are the most significant protections that any jurisdiction makes available to any of its citizens.

Indeed, the major protections available through any other mechanism are those that are available to our courts and parliaments. A court and a parliament essentially have the same range of powers in relation to privilege and the overall protection of the proceedings undertaken in those institutions.

Yes: all evidence presented or submissions made to the coroner in relation to the fire will be fully protected in all respects, and so will the witnesses. Witnesses will be protected against intimidation or any action that might be alleged to be taken against them as a result of their appearance before the court for the purpose of their involvement in the matter under inquiry.

Those rules will not apply to the inquiry being undertaken by Mr McLeod. This is not a judicial inquiry, and rules of privilege will not apply. The extent to which defamatory statements should be protected is an issue. It is a matter of some interest in relation to all inquiries that are held—even those held in the Assembly. This Assembly has a standing protocol that it will not countenance this place being used to disseminate defamation or scurrilous attacks on the reputation of individuals. That is the convention under which we generally proceed.

There are some notable exceptions, Mrs Cross—and I think you are aware of one where a scurrilous attack on an individual did escape the protections that we normally apply. That is the basis on which we proceed in our committees. If anybody wishes to slip a defamatory matter into the community, one way of doing it is to make a submission to an Assembly committee inquiry, make outrageously defamatory accusations or allegations in it and hope and pray that it slips under the guard of the committee or committee secretariat and is authorised for publication.

We are all aware of and alive to this issue, and it is an issue for any public inquiry that some people—in the heat of the moment, with the desire to vent their emotion at the time, whatever that emotion is and however acquired—might seek to make defamatory claims through a submission. That may be the case with the McLeod inquiry. My response to that is that there should never be a forum for anybody to make defamatory or outrageous statements in and seek that the inquiry process of that forum protect them. I hope that the McLeod inquiry is not utilised for those purposes.

To the extent that we are determined that there is a full and frank exposure of all of the issues relevant to the fire, we would not wish anybody to be intimidated out of being fully frank—within the constraints of the law. It is of the civil law that they not be outrageously defamed and that people not suffer an assault on their integrity, their professionalism and their good offices through the holding of inquiries of this sort.

But there are two inquiries running. The coronial process will be fully protected. Privilege will apply. There is no matter that will not be pursued. In that regard, I have in the last hour sought a full explanation of the Coroners Court of the breadth and nature of the coronial inquiry the coroner will be undertaking. I want the people of Canberra to be assured that the coroner will be looking at every aspect of the fire, that it will not be narrowly focused and that it will deal with all of the issues that are of concern to the people of Canberra. I have that assurance from the coroner.

I need to determine that it is as full as the community expects and, if there is any doubt about that point or confusion about the breadth of the coronial inquest, I am more than happy to issue the direction to the coroner, pursuant to section 18 of the Coroner's Act, that the inquiry not be constrained in any way, so that it covers every single aspect that people hope and expect would be covered by the coronial process.

In relation to the McLeod inquiry, I am determined that there be a short, sharp, vigorous and inclusive inquiry into the operations of the Emergency Services Bureau before and after the fire; that all aspects of the emergency services' preparations, preparedness and expertise be put under the microscope; that we learn the bitter lessons that there may be for us to learn; that we swallow the bitter pills; that we be well placed to protect this community, going into the next bushfire season; and that this community have confidence in the preparedness of its Emergency Services Bureau to withstand fire and disaster to the extent that can be humanly achieved.

As this debate continues, I hope that people keep in focus the fury that nature sometimes vents. In some of the discussion to which I have been privy, in particular in recent days, there has been some moving away from a recognition or acceptance of the fury of the holocaust that beset Canberra on 18 January. It was a firestorm of such enormous force that none of our forces could stand in the face of it. In our discussions around this, we need to remain mindful of that.

Let's look at our processes and our procedures; let's look at how well emergency services performed on the day. But let's do it with a genuine view to finding the answers that need to be found and with a genuine desire to learn from the experience, remaining mindful of the nature of the disaster that befell us. It was a firestorm which, anecdotally, officers of the CSIRO and the ANU are suggesting reached a wind force of up to 200 kilometres per hour—a tornado which, by itself, wreaked enormous havoc, particularly on Chapman and Kambah, let alone the force and nature of the fire, which was part and parcel of the tornado.

Let's keep some perspective on what we faced on the day, and not slip into thinking that it was some sort of zephyr that we could have rushed out and faced with broken branches and wet potato bags. It was not like that at all.

We had 120 fire trucks on the ground that day, and this fire swamped all of them. It ran over the top of all of them. That was the experience all the way, from the Brindabella range to the streets of Duffy. As everyone knows, it burnt a fire tender in Waragamba Avenue. It burnt the tyres to the ground and then it went over the top of that fire tender, from which officers just escaped, and wreaked the havoc that I know it wreaked. I fear, as we rush into this political phase of the disaster, that we tend to forget the nature of the disaster that befell us.

**MRS CROSS:** I thank the minister for his answer. In general terms, you answered my supplementary in that answer. I just want you to confirm, for the purposes of the *Hansard*, that you are prepared to exercise your powers under the Coroners Act to ensure that members of the public will be able to participate in the coronial inquiry.

**MR STANHOPE:** As a result of the notion of the separation of powers, I cannot direct the Coroners Court in the handling or the conduct of any inquiry or inquest. What I have been seeking to achieve this afternoon is a clear understanding from the coroner of the nature and breadth of the inquiry. I am mindful of the strong desire that this not be a narrowly focused inquiry saying, "Yes, there was a fire and the fire proceeded came to Canberra and people died." That is not going to serve the interests of this community, and it is certainly not going to serve the interests of all of those who wish to participate in an inquiry into this fire.

A range of issues are being raised about who said what, when they said it, whether advice was offered, and whether support was offered and whether it was received or rejected. A range of absolutely scurrilous allegations are being aired, notably by our national broadcaster, some of which are simply wrong. It behoves us to get to the bottom of it so that we know the facts and have confidence in our Emergency Services Bureau and our community being protected as well as is humanly possible, acknowledging that nature is often greater than us mere mortals. Despite our determination to project ourselves as greater than nature, we are not. Nature teaches us that lesson painfully and regularly.

But I am aware of the deep concern that all issues be investigated, that the inquiry be broad ranging, and that it not be constrained. What I am seeking today, with great respect to the Coroners Court, is clarification of the nature of the inquest and how it will be conducted. I have an opportunity, under sections 18 and 19 of the Coroners Act to make certain directions to the coroner about the nature of the inquiry. If I cannot clarify this afternoon through the Chief Coroner exactly what the ambit is of the inquiry. I will issue a direction. I will do it in the next hour. I will issue a written direction, under sections 18 and 19 of the Coroners Act.

### **School census**

**MR CORNWELL:** My question is directed to the minister of education. On 28 January I wrote to you in response to concerns by Duffy Primary P&C that due to the bushfires and the dispersal of students—I think 42 or 44 pupils—the February census could result in fewer resources being made available to this school and other in-area schools such as Chapman, Rivett, Weston, which is the Stromlo settlement school, and Stromlo High. Can you advise what is happening in relation to this concern, please?

**MS GALLAGHER:** I thank Mr Cornwell for the question. Yes, I remember the letter, Mr Cornwell. The census for ACT schools is still to occur. The advice I have had is that it will take into consideration the number of students who may not be attending those schools due to the bushfire and that decisions on the census will be made in that light. If there is a need for another census later, then we will look at that. But we will be sensitive to the fact that some children are now located at other schools but may wish to return to their former schools. That will impact on some of the decisions made.

For the information of members, approximately 140 students were resident in homes that were destroyed by the bushfires, with estimates of non-government school students bringing the total to approximately 200 students. The main primary schools, as you alluded to, are Duffy, where there are 35 students; Chapman, 15; Arawang, 10; Curtin, 5; Rivett, 5; Taylor, 5; Wanniasa, 5. The high schools are Stromlo, 30; Alfred Deakin, 10; Kambah, 5; Melrose, 5. The colleges are Canberra, 20, and Narrabundah, 5. There are about 10 other primary and high schools with fewer than five students enrolled.

When I have more information, Mr Cornwell, I will be happy to pass it on.

19 February 2003

**MR CORNWELL:** I ask a supplementary question. Will any additional and extraordinary expenses suffered by any of these schools as a result of the bushfires not be made a charge on the schools' operating budgets. Schools may have had to remain open for longer periods. Phillip College was being attended by people to get clothing, food and such like. The schools are concerned that additional and extraordinary expenses not be made a charge upon their operating budgets. Can you give that assurance, Minister?

**MS GALLAGHER:** Those costs associated with the evacuation and recovery centres we will seek to recover through the emergency management plan from any additional funding we get from Treasury.

I need to be careful here, because I think there are other costs we might not have looked at. Canberra College, apparently, is storing equipment in its gymnasium. Stromlo is going to make some of its rooms available for community groups that have lost the use of Holder High. I am not sure how that is going to be managed. I will need to get some advice on that and get back to you.

### **Bushfires**

**MR PRATT:** My question is to the Chief Minister. The *AM* program on ABC Radio has reported that New South Wales fire authorities provided an open-ended offer of assistance to the ACT on the Wednesday before the fires, yet only four task forces were requested. *AM* further reported that a number of New South Wales crews offered assistance, only to be told that they were not needed. Chief Minister, can you confirm or deny these reports and advise us why *AM* would have us believe that senior emergency services personnel from both the ACT and New South Wales knew on Wednesday, 15 January that a disaster was imminent and more assistance was not requested from New South Wales fire crews?

**MR STANHOPE:** Yes, *AM* did run some reports this morning from faceless, nameless, anonymous confidential sources. One of the things that have always intrigued me a little bit about the media and journalists is that, if somebody has not got the guts to stand up and say who they are, they are a confidential source. In politics, we are more inclined to call them gutless wonders. The ABC this morning used "confidential sources", saying confidential sources suggest that certain offers of assistance were made and rejected.

I think that the subliminal suggestion on the ABC this morning was that these confidential sources were, of course, members of the New South Wales Rural Fire Service. So moved by that suggestion was Phil Koperberg, the head of the New South Wales Rural Fire Service, that in conversation this morning with the head of the department of justice he denied categorically that he had any information on the ACT rejecting any offers of assistance, so that is what Phil Koperberg thinks about *AM*.

I can tell you what I think about it. I think that the *AM* program this morning was the most outrageous piece of journalism. The ABC, the national broadcaster, in *AM* is now using in a scurrilous attack on the heads of ACT emergency services anonymous, confidential, faceless, nameless sources who, in the words of Phil Koperberg, aren't telling the truth.

**Ms Gallagher:** Like crikey.dot.com.

**MR STANHOPE:** Yes, ABC.crikey.dot.com. Maybe they just got a bit confused out there at the ABC. In answer to the specific question, I do not know why the ABC would do that, why the ABC would abandon all of its journalistic integrity, why the ABC would launch an attack on Mike Castle and Peter Lucas-Smith using faceless, nameless confidential sources and why those confidential sources did not have the courage to stand up and say who they are, particularly in light of the fact that we have launched two inquiries. Submissions are now being received by the McLeod inquiry. People can make their submissions in an orderly way. They can have some integrity. They can show some courage and guts. They can put their reputation where their mouth is. They can say, "I, Joe Blow, think this and I know this to be true."

Here we have a national broadcaster, broadcasting nationally in a scurrilous attack on the Emergency Services Bureau, using anonymous sources. What do you think of that? I will tell you what I think of that. I think that it is dreadful. I think that it is absolutely dreadful.

There is probably a whole range of things that we need to know about the fire. There is a whole range of things that we have a genuine interest in and right to know about the way in which our Emergency Services Bureau conducted itself. We have a right to feel confident in the abilities of the heads of our Emergency Services Bureau and in the heads of our firefighting services. It is fundamental. We cannot brook any doubt about their confidence, about their professionalism or about their capacity. But I am not going to put up with that sort of nonsense.

I am not going to sit back and say, "The ABC has these confidential sources. Gee, if it is the ABC, they must be right." I am not going to stand here and allow that sort of assault on a vital and fundamental ACT organisation and institution, a part of the ACT public service. I am not going to walk away from them. I am not going to bow my head because we have these forces marshalled against us, unnamed sources, faceless sources, with all this information that suggests that the New South Wales Rural Fire Service did this and the New South Wales Rural Fire Service offered that and the ACT Emergency Services Bureau rejected this, rejected that, did not talk and did not listen.

With one phone call to him, Phillip Koperberg has said, "No, that is not true." Why didn't the ABC ring Phillip Koperberg? Why didn't the ABC say to Phil Koperberg, "We are about to make this allegation"—this really serious allegation, this allegation that cuts to the heart of the integrity and professionalism of Mike Castle and Peter Lucas-Smith—"and we are not going to attribute it to anybody. It is just gossip, it is just scuttlebutt, it is just innuendo, but we are going to put it to air and we are going to put it to air nationally. Is it true?" Phil might have said, "No, it is not true."

It is better not to ruin a good story, I suppose, better not to get in on the act, better not to allow a journalist suffering a bit of attention deficit an opportunity to get in on a big story. I am blowed if I am going to put up with that rubbish. We have two inquiries under way—one of them a full judicial process and the other a process being championed and chaired by the Commonwealth Ombudsman, a person of untrammelled, unsullied independence and reputation, and, at the time that those two inquiries are under way, we have anonymous scuttlebutt being peddled by the ABC. That is what I think of it, Mr Pratt.

19 February 2003

**MR PRATT:** Mr Speaker, I have a supplementary question. Chief Minister, can you confirm or deny the case, as *AM* asserted, that, despite briefings, ACT emergency services were preparing for a best-case scenario—that is what they have said—rather than a worst-case scenario?

**MR STANHOPE:** No, I cannot confirm or deny that. I am not quite sure what it means. I guess the best-case scenario would have been that the heavens would open and rain would fall and put the fire out, that the fire would miraculously stop, that Mike “Moses” Castle would stroll out into Stromlo Forest in his robes and turn the fire back. Mike Castle and Peter Lucas-Smith are good blokes, but Moses they ain’t. No, I do not think that the best-case scenario was going to apply. I do not think that the fire was going to miraculously stop.

As for the worst-case scenario, I do not know what the Emergency Services Bureau, all our firefighting personnel, our urban fire service and our rural fire service were prepared to confront. I do not believe that in their minds they were prepared to confront a firestorm accompanied by winds of 200 kilometres an hour. I doubt that they were prepared for that.

Peter Lucas-Smith tells me he had never seen such an event in his life, and he has been a firefighter for over 30 years. He said that he had never seen it, never experienced it, and probably never imagined it possible, so perhaps he was not prepared for it. Perhaps—I cannot say; he will have to speak for himself—he was not prepared for something the ferocity of which he did not ever expect to arise.

As for the nonsense that the ACT authorities were prepared for a best-case scenario, whatever that is, perhaps a miraculous downpour from heaven, or a worst-case scenario, I doubt but I do not know—I would have to ask Mike Castle and Peter Lucas-Smith again—that they were expecting winds of up to 200 kilometres an hour, accompanied by fireballs belting through the air. I doubt that they were, but they will have to answer that for themselves. That begs the question: should they have? Was that within the realms of the scenario that perhaps they should have expected? That, of course, is the question that we need these inquiries to answer.

I do not have the answer. Despite the fact that I am an ex-secretary of a bushfire brigade, my state of understanding around bushfires never did proceed much beyond the old broken gum tree branch and wet potato bag. I am experienced in that sort of firefighting, almost always unsuccessful. In fact, the old Wolumla bushfire brigade of which I was secretary did not have too many successes. We realised our inefficiencies and tended to stand there and watch them. That is the level of my personal experience.

I am not a firefighter. I rely on those who have expertise in it. I am more than happy for those in whom we have vested that responsibility to be subjected to the most rigorous inquiry around their capacity, their professionalism and their responses at this fire. That is what we are going to do, but we are going to be fair about it. There will be no Salem witch-hunt here of the sort that the ABC favours. I am not going to stand for that. The ABC was straight out of Salem this morning; it would have done them proud.



## **Bushfires**

**MRS BURKE:** Thank you, Mr Speaker. My question is to the minister for fair trading, Mr Stanhope. Mr Stanhope, what procedures has the Office of Fair Trading adopted to ensure that unscrupulous operators are not taking advantage of people and organisations affected by the recent bushfires, with regard to temporary accommodation, rent and services, including insurance?

**MR STANHOPE:** Thank you, Mrs Burke. This is a very important question. This issue was raised last night at a community meeting of Chapman residents. It concerned price fixing or alleged price fixing. There were some emerging concerns, particularly in relation to the availability of tradespeople, as much as anything else. I think the concerns that were expressed at Chapman last night, to which Alan Thompson responded—representing the task force at that meeting—were more about potentially exploitative or unconscionable activity or conduct by local traders.

The bushfire recovery task force has, as a result of these emerging concerns, contacted the ACCC to seek its advice, in the first instance, and any assistance that it can provide with these issues. The ACCC has advised that its jurisdiction would cover collusion, price sharing, market rigging and deliberate withholding of material. If anything of this nature comes to the attention of the bushfire recovery task force, then now it will be referred immediately to the ACCC and the ACCC stands ready to assist us in this regard.

The bushfire recovery task force is also working with Rawlinsons, a company that specialises in producing reports on building costs, to provide a public monthly report on the movement of building costs in the ACT. The bushfire recovery task force is determined to monitor and audit all movements in building costs, so that residents who are seeking to rebuild their homes will have some idea of whether there is an escalation in costs. Through that process, of course, we will be able to highlight any potential or emerging shortages of tradespeople in any particular area. We will continue to communicate regularly with all residents in relation to that matter.

The bushfire recovery task force is also working closely with the Construction Industry Training Council, the MBA and the HIA to increase the number of qualified tradespeople working in the ACT building industry, and to ensure that building materials from national suppliers are available in sufficient quantity to meet the local industry's demand. Of course, these processes are aimed at keeping the supply and demand in balance and minimising the impact on prices. We are also looking at mechanisms for dealing with complaints. We will probably develop a complaints hotline. That is one idea currently being examined.

You asked specifically about the Office of Fair Trading. The issue that was raised at Chapman last night was specifically in relation to hourly rates being charged by bricklayers. That was the particular point of concern. That is an issue that is not necessarily within the responsibilities of the Office of Fair Trading. That is why we are pursuing some of these other mechanisms.

19 February 2003

If there are other specific issues in relation to this that you wish to pursue, Mrs Burke, I would be more than happy to provide you with further information. We are certainly very aware, in this market of high demand, that we must identify where shortages may be, and we must identify any exploitative conduct.

**MRS BURKE:** I thank the Chief Minister for his succinct answer. I have just a little addition to that. Does the policy therefore extend to protection from government instrumentalities, including such things as schools?

**MR STANHOPE:** I am not sure I fully understand the question, Mrs Burke. Would you expand on it a bit, please?

**MRS BURKE:** As well as the issues in our community to which you have alluded and about which you have provided some answers for me, which is excellent, I think there are other areas into which we may have to look more deeply, including tradespeople, particularly in regard to buildings and other facilities being used. Does the policy that we have cover and protect people from unscrupulous practice with regard to rental and that sort of thing?

**MR STANHOPE:** I do not know at this stage, especially about the rents that people are paying for accommodation. I will have to take advice on a couple of those issues specifically, Mrs Burke, and see whether we are taking broader steps or actions than the ones I outlined. I am more than happy to look at some of the specifics and get back to you.

### **Health ministers meeting**

**MS MacDONALD:** Mr Speaker, my question is to the Minister for Health. Minister, the Commonwealth Minister for Health and Ageing, Kay Patterson, has today announced that she will no longer be attending the Commonwealth-state health ministers meeting on Friday, called to discuss the next Australian Health Care Agreement. Can you detail for the Assembly your response to this announcement and indicate whether you will be attending Friday's meeting?

**MR CORBELL:** I thank Ms MacDonald for the question. Yes, I will be attending the meeting on Friday as, I understand, will almost all, if not all of, my state and territory colleagues. The reason we will be attending is twofold. First of all, Kay Patterson asked us to attend—and she called the meeting. The second reason, of course, is that the purpose of the meeting is to discuss an issue of significance for many people in the community—that is funding arrangements for health care in every state and territory around the country.

It is with a high degree of disappointment that I note that Senator Patterson has decided not to go to the meeting which she convened. However, we have to ask why she has chosen not to attend. It is fairly clear to me that she has chosen not to attend because, after 12 months of asking the states and territories to put their agendas on the table—to outline the requirements and issues we want to see addressed through the next Australian Health Care Agreement, and the states and territories having done that, she has no answers and no policy responses.

Mr Speaker, our community needs policy responses from the Commonwealth government. In the ACT, as members are well aware from the debate this morning, we have the lowest rate of bulk-billing in the country. We have similar problems with attracting GPs as do many rural, regional and outer metropolitan areas around the country. We have costs in our health system escalating more quickly than the consumer price index—along with every other health system in the country. We have the failure of the Commonwealth's \$2.2 billion private health insurance rebate to shift people from public to private hospitals occurring here, in the same way that we have in every hospital in the country. Senator Patterson has no response to these issues and appears unwilling to even front up to discuss them.

It is now time for the Commonwealth to come to the table and discuss these matters. When I go to Melbourne on Friday, I will be making very clear the pressures the ACT community faces on bulk-billing, the availability of GPs, pressures in our public hospital system, the subsequent failure of the private health insurance rebate and the need to address that—as will, I am sure, every one of my colleagues from every state and territory in the country.

I wanted the Commonwealth minister to be there to both hear those concerns and to respond to them—perhaps not with a detailed plan but at least the preparedness to discuss the matters and identify ways forward. We do not even have that, Mr Speaker, and that is a matter of extreme disappointment for this government. Nevertheless, I, along with my colleagues from the states and territories, will continue to advance our agenda for reform—reform which our health system needs and reform which is acknowledged as being needed not only by state and territory governments but by doctors, doctors associations, specialists, specialists associations, nurses and their unions. The states and territories understand the complexities and challenges we face. It is time for the Commonwealth to come to the party as well.

**MS MacDONALD:** Minister, can you detail to the Assembly the agenda you will be pursuing at Friday's meeting?

**MR CORBELL:** I have given some indication of that, Mr Speaker. Members will perhaps recall that, in the debate this morning, I outlined the agenda for reform which all state and territory ministers agreed to at the meeting in early February which was going to be formally presented to the minister on Friday. If she is not there, maybe one of her public servants will show up to take it.

Aside from bulk-billing and GP numbers, there is a range of other very important issues. These include, first and foremost, the issue of indexation for health costs in relation to public hospital services. The indexation rate was originally set in the previous Australian Health Care Agreement. It was agreed that, if there was dispute over the rate of indexation, the rate of indexation would be set by an independent arbiter.

There was a dispute between the states and territories and the Commonwealth. We agreed on an independent arbiter. The independent arbiter came out with a figure; the Commonwealth disagreed with it so they did not pay the money. As a result, indexation has not kept pace with real health costs and that must be addressed. At the moment, because of the Commonwealth's unwillingness to properly index the increasing costs, all the states and territories, including the ACT, are shouldering more of a cost in public health services than we are paid to provide. That is just one other issue which needs to be addressed.

The final issue I would like to raise today is the issue of the private health insurance rebate. It has been shown to be a monumental failure in public policy—\$2.2 billion worth of public money to not shift anyone out of the public hospital system into the private hospital system. What a complete and absolute failure of public policy and waste of money! In the ACT, which has one of the highest rates of private health insurance in the country, we have seen no significant difference in the number of private patients having operations and treatment in private hospitals compared to public hospitals.

On those grounds alone, it is time for the Commonwealth to revisit that scheme and to give the same sorts of increases in funding for public hospitals—at least 7 to 8 per cent—that they have been prepared to give in terms of increases in premiums for private health insurance companies.

### **Design advisory service**

**MS TUCKER:** My question is for Mr Corbell as Minister for Planning. I refer you to your design advisory service established for bushfire victims. It looks a helpful initiative, but your media makes no mention of advising people on how to make buildings more environmentally sustainable yet compatible with fire retardant design? Could you let me know whether or not the design advisory service will encourage, and provide assistance on, design that incorporates more environmentally sensible options such as grey water use and water tanks, which are useful for a fire but also for energy efficiency?

There is some confusion about grey water potential. Some of the documentation from PALM says that there are health issues. That is not a barrier that cannot be overcome. I am interested to know whether or not you can reassure the Assembly that there will be active advice and that people will be assisted to make buildings the best they can be?

**MR CORBELL:** Yes, the design advisory service will be providing the best possible advice to people on the design issues they need to take account of as they make decisions about rebuilding. The design advisory service is focused on two areas. The first is technical advice—what requirements people must meet under the building code and so on in reconstruction. The second is design advice. That advice is made available through a qualified architect supplied through an initiative between PALM and the Royal Australian Institute of Architects. The architect on duty at the advisory service will be available to give design advice and advice on measures to improve the energy efficiency and water efficiency of dwellings.

Existing regulations on water reuse will need to be complied with. Those regulations are there for a reason, and we need to be sure they are complied with. But every possible advice will be given in a proactive way to suit the circumstances of the householder and to highlight the advantages of achieving a more energy efficient home, a more water efficient home and a more comfortable home to live in.

**MS TUCKER:** I am not suggesting that guidelines should not be complied with. The question is whether it is made easy for people to know how to comply with guidelines on grey water. There is some confusion.

My supplementary question is: are you aware, Minister, whether PALM is aware of the existence of the residents group Phoenix, which is addressing these questions and is prepared to work with other members of the community to make this easier?

**MR CORBELL:** I am not aware whether Planning and Land Management is aware of, or has had contact with, a community organisation called Phoenix. I welcome the establishment of that organisation. I think it is a very valuable rebuilding initiative that has come from people directly affected. I will make sure that PALM is aware of that organisation, if they are not already, and makes contact with them to offer any advice or assistance they may be seeking.

### **Budget policy**

**MR STEFANIAK:** Mr Speaker, my question is to the Treasurer. Treasurer, when you delivered your budget last year, you stated in a media release that the budget returned a modest general government sector surplus of \$5.7 million and, across the four-year budget and forward estimate period, it delivered an aggregate surplus of \$21.2 million. This is a quote from what you said:

One of my major goals in this budget was to achieve a budget surplus over the four year forward estimate period, which I have done.

Minister, recently, you released the December Quarterly Management Report on the government's finances. That report estimates that the 2002-03 budget will achieve an operating loss of \$43 million, rather than the surplus of \$5.7 million for which you had budgeted. Do you acknowledge that your budgetary policy will deliver an operating loss over the four-year forward estimates period, rather than an operating surplus?

**MR QUINLAN:** Mr Speaker, I certainly am now depending on a big change on Wall Street, Mr Stefaniak let me say, given the performance of superannuation investments. I can assure you that we will be working for a surplus at the operating level. What we do at the investment level is, at this stage, out of our hands, to a large extent. We are working as well as we can to obtain maximum control over our investments. However, it is a tiger-by-the-tail situation when you have money out there and the market is flying. You use your judgment. Do you jump off when it is at its worst, or do you ride it out? To some extent, we have to have a little each way, but as to whether it is my budgetary policy which brought us to that position, the answer is no.

19 February 2003

**MR STEFANIAK:** Mr Speaker, I have a supplementary question. Minister, have you failed to meet what you described as one of your major goals in the budget?

**MR QUINLAN:** I think I have answered that. I have tried to explain, as I stated in relation to Mr Hargreaves's question, that I do expect some difficulty in getting the information out, but will be doing my best to let people know the difference between budget policy, revenue generation and expenditure control within the territory, and the influence of having something like a billion dollars out there floating in the market ether.

### **Youth drop-in centre**

**MS DUNDAS:** Mr Speaker, my question is for the Minister for Youth. Minister, late last year, the youth drop in centre at Narrabundah was closed, leaving no after-hours youth programs in the inner south. I believe this was a decision made jointly by your department and the Woden youth services. Minister, can you please inform us: were young people who use the service consulted in the making of that decision, and was the Ministerial Youth Advisory Council included in the process?

**MS GALLAGHER:** I will have to take that on notice. I do not have any information at the moment.

**MS DUNDAS:** Mr Speaker, I have a supplementary question. I thank you for taking that question on notice, Minister. Given that there is now a lack of after-hours drop-in services throughout all of Canberra, will you be consulting with young people about the need for after-hours youth services across Canberra and reporting back to the Assembly on the outcomes of such consultations?

**MS GALLAGHER:** Yes, I am happy to do that.

### **Bushfire relief**

**MRS DUNNE:** Mr Speaker, my question is to the Treasurer. Mr Quinlan, in response to Mr Corbell's question in this place yesterday, and in the media, you estimated that the cost to the territory of bushfires would be approximately \$19 million. As it happens, the Treasurer's Advance for this year was \$19.4 million, for use in urgent and unforeseen circumstances. Has the government used the Treasurer's Advance to meet any of the costs arising from the bushfire, and does it intend to use the Treasurer's Advance for that purpose?

**MR QUINLAN:** You know how I like my Treasurer's Advance! As we are only halfway through the year, I think it would be prudent for us to bring forward an appropriation bill, which I shall do tomorrow. All the time we have been involved in expenditures as a result of the fires, I have sought assurances from the Treasury that we are covered by appropriation—or that we are covered in some way. A small amount of the Treasurer's Advance has been applied to immediate relief because there was no particular appropriation for that. We will be bringing forward an appropriation bill tomorrow.

I am the Treasurer. "Trust me," he said. If you cannot trust your Treasurer, who can you trust? I am genuinely concerned that we have not got the whole picture. I really do not want to be in a position of hanging my name on a number that goes south on me at some stage.

When I am sure that we have the claims in, and the expected insurance coverage confirmed—when the expectations of the natural disaster recovery arrangement, the application of that formula, and the inclusiveness or pervasiveness of that formula are confirmed—I might get a little more courage.

**MRS DUNNE:** Mr Speaker, I have a supplementary question. Treasurer, can you tell us how much is in the Treasurer's Advance at the moment, and how much has already been allocated for fire relief?

**MR QUINLAN:** I will take a wild punt on that and then take it on notice, if you like.

**MRS DUNNE:** We will trust you to do that!

**MR QUINLAN:** Yes, trust me. I think there is something less than \$18 million still there.

**MRS DUNNE:** Something less than \$8 million?

**MR QUINLAN:** There is somewhere between \$17 million and \$18 million still left, and only a million or so has been spent or allocated at this stage.

**MR STANHOPE:** I ask that all further questions be placed on the notice paper.

### **Community service**

**MR WOOD:** Mr Speaker, if I may, I will respond in more detail to a question from Ms Dundas yesterday. She asked me a question in relation to the new funding model for the community sector. She is correct that the government is committed to the abolition of the purchaser/provider situation, in line with our commitment in a response to the Reid review of ACT health. The Chief Minister's Department is responsible for coordinating this task on a whole-of-government basis.

The history of community service's contracting arrangements is a long and colourful one. As you would be aware, the introduction of service purchasing began in the 1997 service purchasing review, and many of the issues raised in that report remain valid. Although there have been some concerns voiced by the community sector in relation to some elements of the service purchasing arrangements which were well reflected in Mr Quinlan's report in 1999, it may be broadly agreed that concern flowed more to consistency and transparency rather than the policy itself.

Upon taking office, the government promised a review of service purchasing arrangements. One of the issues which required analysis was how community service funding processes fitted with the new procurement act. A 12-month exemption from the approved procurement unit—APU guideline—allowed existing contracts to be extended until 1 July 2003 while the necessary policy work was undertaken.

The government has emphasised a partnership approach with and within the community sector, rather than the previous emphasis on competition. This is in accord with many other jurisdictions which have now taken the view that collaboration is likely to produce greater benefits for the consumers of community services than a competitive approach.

In December 2002, the Chief Minister's Department established an interdepartmental service purchasing working group to develop a whole-of-government approach. The working group is currently drafting the service purchasing policy. Community sector and trade union input will be sought on this draft policy through March and April, in line with our commitments.

It is anticipated that the draft policy will cover all aspects of the funding relationship between government and non-government community sectors, including policy development and planning, contract specification with standard contracts, performance monitoring, contract management and accountability issues.

Given the extent of these reforms, they will need to be phased in. The draft policy will propose a clear and consistent process for funding decisions, to ensure sustainable community service purchasing into the future. Whilst acknowledging the many pressures currently faced by government and community services, this work is continuing and is on schedule.

## **Petitions—out of order**

**Mr Wood**, pursuant to standing order 83A, presented the following papers:

Petitions which do not conform with the standing orders—

Gungahlin Town Centre—Design change—Mrs Cross (1131 citizens).

Isaacs—Pine tree clearing—Mrs Cross (288 citizens).

## **Bushfire tragedy—proposed inquiry**

**MR SMYTH** (Leader of the Opposition) (3.42): I move:

That this Assembly calls on the Chief Minister to establish an inquiry under the *Inquiries Act 1991* into the recent bushfire tragedy, with the following terms of reference, procedures and timelines:

**(1) Terms of reference**

- (a) to determine the chronology of events, influences and decisions leading up to and during the fires;
- (b) evaluate the underlying aspects of bushfires, including sources of ignition, history of weather and fire events;
- (c) to evaluate the role of the Bureau of Meteorology and other related agencies in the emergency;



- (d) to evaluate the effectiveness of the management and command of fire fighting resources, including the collaboration between ACT organisations (both government and non-government) involved in the emergency and the adequacy of equipment available to, and training of, Rural Fire Brigades;
- (e) to consider and report on the way in which the declaration of a state of emergency was evaluated and made;
- (f) to evaluate the use of air-based fire detection techniques and air-based water and fire suppressant techniques used during the emergency;
- (g) to determine the nature and extent of collaboration across jurisdictions in responding to the emergency and to assess the effectiveness of this collaboration;
- (h) to assess the ways in which information was obtained and disseminated to the public during the emergency and to report on options for ensuring timely and up to date information that can be provided to the community in times of emergency;
- (i) to evaluate the effectiveness of communication techniques and technologies used between and within organisations and units involved in the emergency and to report on strategies to improve the quality of such communications;
- (j) to evaluate and provide advice on the most effective approach to land use issues encompassing in particular the management of national parks, including such matters as management where a national park crosses State/Territory boundaries, access by the public and fuel management policies;
- (k) to examine and report on the optimum approaches to managing water catchments, water supplies, waste water handling and associated infrastructure, especially as these factors relate to inland population centres;
- (l) to report on the effectiveness of the ACT Emergency Plan;
- (m) to report on the need for and the development of evacuation processes and procedures during such emergencies;
- (n) to assess agricultural and forest industry development and management techniques in regions that are subject to bushfire threats;
- (o) to assess the implementation of recovery strategies and activities in the aftermath of the bushfire emergency;
- (p) to evaluate and report on the provision of counselling for those affected by the bushfires, those directly affected, such as those who lost family members/friends/houses and emergency personnel, and those affected indirectly, such as people who live in Canberra but may not have experienced any loss of family or property;
- (q) to consider and report on appropriate urban planning requirements and design characteristics of urban regions in bushfire prone regions, including the nature of the interface between urban and non-urban areas; and
- (r) to consider and report on the design of houses and other buildings, including the nature of materials used to build such structures, that are appropriate for bushfire prone regions.

**(2) The inquiry process**

The process should take the following steps:

- (a) call for submissions on the Canberra bushfires;
- (b) require submissions from key stakeholders;
- (c) collate and analyse available sources for insights into bushfire management;
- (d) gather, and analyse, the facts of the Canberra bushfires;
- (e) prepare an interim report on the facts and insights as a basis for the inquiry;
- (f) frame and present specific questions of fact and interpretation to stakeholders (agencies and individuals) in writing for written response as necessary;
- (g) frame and present follow-up questions of fact and interpretation based on analysis of responses to step 3;
- (h) conduct public hearings and cross-examination of interested parties and stakeholders including, but not restricted to, the key agencies and organisations;
- (i) prepare a draft concept, framework and process to implement sustainable fire management; and
- (j) take submissions on the draft and finalise the concept and framework document for delivery to the ACT Government.

**(3) Time frames for the inquiry**

- (a) inquiry to present interim report by 30 April 2003 to provide appropriate recommendations to be included in the rebuilding of bushfire affected areas;
- (b) a second interim report to be presented by 31 July 2003 with recommendations for appropriate actions to be taken before the commencement of the 2003-04 bushfire season; and
- (c) final report to be presented by 30 June 2004.

Mr Speaker, this motion gives effect to what the opposition and many in the community have been calling for—a wide-ranging, fully independent inquiry into all aspects of the bushfire disaster of 18 January 2003.

Much has been said in this place about the events of 18 January, but who in this place can say exactly what happened on that day, or who knows exactly how it happened or why it happened? I am sure that members have heard about the report on the *AM* program this morning. It made a whole series of allegations about the ACT's handling of the bushfire. While I am not happy that they have been aired, these are stories that are circulating in the community. I have heard these and many others that need the attention of a fully independent inquiry.

For those who missed *AM* this morning, I will quote some of it:

LINDA MOTTRAM: One month after the Canberra fires that destroyed more than 500 houses and killed four people, a picture is emerging of just how so much was lost.

There's broad agreement that the drought and extreme weather combined to produce a firestorm of extraordinary proportion and unpredictable severity but there are those who are also convinced that if warnings had been heeded, the massive losses could have been contained. And those critics are now beginning to speak out, hoping that the mistakes aren't repeated.

From Canberra, Alexandra Kirk reports.

ALEXANDRA KIRK: Three days before Saturday's disastrous firestorm, the weather bureau warned of impending horrendous conditions.

That Wednesday afternoon, the heavy hitters of fire fighting in New South Wales and the ACT met in Queanbeyan, a stone's throw from Canberra, to discuss what to do.

Sources have told AM that present were the ACT fire chief, Peter Lucas Smith, New South Wales fire chief, Phil Koperberg, and one of his deputies, along with New South Wales National Parks and Wildlife head, Brian Gilligan.

With fires in the ACT and adjoining areas in New South Wales already burning, AM understands the ACT was warned of a massive exposure if the dire weather conditions materialised. AM also understands New South Wales made an open ended offer of assistance.

The ACT asked for just four task forces, that is twenty fire trucks and crews. They were in place by Friday and on the Saturday morning, seeing the dire forecast was right, Phil Koperberg dispatched his assistant commissioner to Canberra. That's a breach of protocol, but the view was circumstances were dire.

At about half past one, Mr Koperberg's assistant advised Sydney the ACT needed a lot more help, faced with houses being exposed to the fire path on a thirty kilometre front.

Extra crews were sent without the ACT asking for them, but it was all too late. The first house burnt to the ground around three pm. Many of the extra New South Wales crews wouldn't arrive for hours.

AM's been told of a number of instances in which New South Wales brigades around the ACT offered to help, only to be told by the ACT they weren't needed.

One fire fighter says the alarm bells should have been ringing at ten that morning, when all brigades in the district heard on their radios that fire trucks and ambulances had to flee as a firestorm broke out in the Brindabella ranges, beginning its dash to Canberra's suburbs.

This highlights the need for an independent inquiry. My great fear is that these are the tip of the iceberg of rumours and stories about the fire that will begin to do the rounds. To avoid speculation, to avoid stories being taken out of context, we as legislators need to show that we are taking this seriously and to the limit that we can.

19 February 2003

We need to set in place an approach that tackles this issue calmly and scientifically. The simple dictum of W, W, W, W, H and W—or who, what, when, where, how and why—needs to be applied. The best way to do this is through a single inquiry established under the terms of reference included in this motion.

This is not meant to be an exercise in blame laying and finger pointing. I do not think any of us believe that that would be productive. I believe that all of us in this place believe that our emergency workers performed above and beyond the call of duty in fighting the fire.

As I said, this motion is about facts. It is also about learning lessons. Members will note the tight timeframes included in the motion. These tight timeframes are designed to enable us to learn the lessons in a timely way. The first deadline is to enable those engaged in the reconstruction to apply the lessons to the rebuilding effort. The second deadline is to enable our emergency services to apply the lessons to the next bushfire season. The final deadline allows for a complete and comprehensive report to be digested by the community, the government and us as members.

I am sure the Chief Minister will say the inquiry I have proposed would cost too much. The bushfires have already cost too much. As an aside, I understand that our insurance will go a considerable way in covering the cost of any inquiries.

I am sure that once I've finished speaking, the Chief Minister will stand up and tell us that this motion is redundant because he has established his own inquiry. That is not the case. The Chief Minister has established a review. Yes, it has an independent head of unimpeachable integrity, but that is not the point. The Chief Minister has simply outsourced his review.

We are to have a review of what has happened. But also announced today in the *Canberra Times* is not one but three separate studies—a study of future land use in various outer suburbs affected by the bushfires, a study of ACT forests and a study of the possibility of residential land use on Stromlo.

These are all important issues, but why would you have three separate studies, a review and a coronial inquiry when you can wrap all of them up into one integrated, comprehensive inquiry? Why can we not have a single, coordinated approach with three distinct and purposeful reporting dates, rather than the higgledy-piggledy approach of a range of studies?

The Chief Minister's review will not necessarily allow for public submissions. The Chief Minister said yesterday that he thought it would, but it was by no means certain at that stage and he was checking it. We are grateful for that. His review will not apply the rules of evidence.

**Mr Cornwell:** I take a point of order, Mr Speaker. I feel that this is a very important matter, and I think members can show a little more concern. I am not calling a quorum, because a quorum is present, but I think my point should be noted.

**MR SPEAKER:** There is no point of order, Mr Cornwell.

**MR SMYTH:** The Chief Minister's review will not apply the rules of evidence, it will not provide legal protection to witnesses, and it will not have the power to call witnesses. As we heard, courtesy of Mrs Cross's question at question time, the Chief Minister clearly acknowledges that. Most importantly, its recommendations will not be binding on the government.

Perhaps the real question is: why will the government not extend to their review the rules of evidence, legal protection to witnesses and the power to call witnesses? Mr Stanhope is reported to have said it would be a foolhardy government that ignored the review's recommendations. That is scant comfort when we have such a foolhardy government.

There are rumours all over town that X happened or that Y did not happen, and so on. We have all heard them. These rumours were aired again publicly this morning on the ABC. These rumours are unfair and besmirch the reputation of our emergency services. They damage men and women in the fire services who are already suffering. Many carry burdens. We have all spoken to them and heard them say, "Maybe we could have done more. Maybe we should have done this, and possibly that might have happened."

It is up to us to ensure that the men and women of our emergency services know officially, independently, that they did the right thing. As long as rumours persist and are not destroyed through a judicial inquiry, the opportunity for doubts will still exist. The best and fairest way of putting rumours to rest is to have a full independent inquiry, with the protection that that entails.

I am still concerned that some issues will fall through the cracks. Mr Stanhope's assurances that everything that can be looked at will be looked at do not ensure that that will not occur. Comprehensive terms of reference, rather than the four points the Chief Minister has put forward, will give people confidence that we have addressed all of the options that need to be addressed so that we minimise the possibility of such a day ever happening again.

This motion is about getting the best outcome for all involved. It is about getting the best outcome for the families of those who lost their lives. It is about getting the best outcome for those who lost everything, for those who fought so long and hard, and for those who have given so much and continue to give. We must have this inquiry, and we should pass this motion.

**MR PRATT (3.53):** Mr Speaker, the bravery and incredible stamina of our emergency services personnel and the diligence and courage of the Emergency Service Bureau in holding their nerve to continue to coordinate emergency efforts at the height of the firestorm are beyond question. The disaster of 18 January demonstrated phenomenally a number of positive stories.

However, a number of questions arise. On full reflection, a number of issues must be investigated. The issues are many, ranging from personal experience and observation to comments from key people and the media. While I would stress the necessity to take many of the views at face value, they are all worthy of investigative follow-up. And investigate them the community must.

*19 February 2003*

No nation, state, community, or organisational entity in a democracy can weather a major incident, let alone a disaster, without commissioning a fully independent and wide-ranging inquiry, the purpose of which is to determine whether organisational systemic failures occurred, then to determine the lessons arising and how those lessons must be implemented to minimise a repeat of the loss of life and property.

This can, and should, be done without playing the blame game. We are not talking about who in politics has the correct answers. We are talking about all of us looking back over a number of years across the political divide and having a damn good look at the way things were established and prepared for these types of events. The community interest and the future safety of citizens and property are of overriding and primary importance. The victims would demand this. A judicial inquiry is necessary. It is the best vehicle for dredging up all the lessons.

It is the opposition's duty of responsibility to examine current government policy, and even to look back at previous government policy, in regard to bushfire management. The government should not, therefore, become too defensive when we call, as we did on 20 January, for a full judicial inquiry.

It is the duty of the Legislative Assembly also to review the ACT emergency management plan governing how the ACT prepares and plans for bushfire emergencies. Have we done enough over the years with respect to bushland and forest management, in particular hazard reduction? Have we done enough over the years to prepare residents in fire-prone suburbs for bushfire contingencies? How can we improve on our emergency management plan, and can we improve on the allocation of resources and, if necessary, give that plan the legislative teeth to make the community a safer and better prepared community? These are the fundamental issues that must be addressed.

The horrific events of 18 January give rise to many questions as to the veracity and suitability of the emergency management plan. We will test the plan's ability to cope with such events only through the judicial inquiry we are calling for. A review of the emergency management plan will incorporate the fundamentals of planning which we consider are missing or which we think may have been underplayed in the planning and preparation time leading up to the recent disaster. An amended emergency management plan would incorporate the lessons learnt from the recent disaster.

It will certainly be my intention as shadow minister for emergency services to prepare suggested amendments to the emergency management plan. I would much prefer to do this through a judicial inquiry, to give a commissioner the opportunity to test our recommendations and our observations. In one way or another, for the community's sake we will push on to achieve a much improved emergency management plan, replete with the lessons learnt from the recent disaster.

Very serious questions are being raised by the ACT media. I do not always agree with or believe the media. A lot of experienced locals are also raising very serious questions as to whether the ACT authorities tackling the Namadgi forest fires for some weeks prior to 18 January understood the explosive combination of the following factors: prevailing drought conditions, pine forest and impending weather. Were the Namadgi blazes to break out towards Canberra, what was going to happen if these three factors combined?

Did they underestimate the ability of the ranges fires to get down into the forest-enclosed suburbs, and did they underestimate the speed with which that might occur? Did we all underestimate that? Did they anticipate the firestorm potential worst case scenario that might impact on the urban fringe, were the weather factors to combine cruelly?

Perhaps they did not underestimate these issues at all. If that is the case, then these very serious issues need to be fully tested so that the community understands the harsh realities facing our emergency services, so we can get rid of all the damn rumours and test all of proposals or observations fully, without fear or favour.

What about the warning to residents? In the days or weeks prior to 18 January, had the residents of the frontline suburbs been advised in sufficient detail of the potential risk and what preparations needed to be taken to combat those conditions and on how to prepare for worst case scenario evacuations? Was that a factor, or is that a myth? In prior days, were the police advised of the worst case scenarios and advised to undertake contingency planning, or perhaps even rehearse methods of evacuation in those suburbs which might have been considered the most fire prone?

On 17 January the Emergency Service Bureau stated that they did not think there was any threat to the urban edge. That was in the *Canberra Times* on 17 January, D minus one. On 20 January the Emergency Services Bureau stated that the movement of the fire from the forest across the urban edge happened very quickly. That was on ABC *PM* on 20 January. There is a gap in appreciation—sadly, a stark one—that warrants investigation.

Let us have a look at the local advice. As fires raged through national parks to the west, Mr Val Jeffrey, who for the past 30 years had been warning that a catastrophic fire could hit Canberra, told his neighbours in Tharwa to prepare for the worst. As local fire brigade captain, Jeffrey states that he took matters into his own hands, independent of ACT fire authorities, and put into action, in advance, his own bushfire plan. He said on the *7.30 Report*:

I took it upon myself to advise everybody that this was going to happen and giving them details of what prevention work they could do and advising them that there was no way in the world the special forces would be able to protect them because we'd be too overwhelmed.

So the rural resident all done their homework and their housework.

And as a result, in my area, our losses were very minimal.

He stated that he anticipated the disaster approaching the ACT and that he knew that he would not be able to depend on ACT units, which he assessed would be overwhelmed. I do not know whether this situation as painted by Mr Jeffrey is correct.

**Mr Stanhope** : It is not.

**MR PRATT**: Perhaps you are right, Chief Minister. Perhaps he is not right. But I do know that Mr Jeffrey has corresponded with authorities over a number of years and rung warning bells about the scope of a fire that might occur. That is on the record.

19 February 2003

I do not believe that we can ignore his current observations or his previous warnings. The best place to deal with these very serious observations—to fully test them, to see whether he has relevant lessons that need to be built into the ACT emergency management plan—is in a judicial inquiry, where he can give evidence without fear.

Indications are that the Bureau of Meteorology had been warning the ACT government of the risk of severe conditions for three days before the disaster. Were their warnings heeded? Should those warnings have been alarming enough—perhaps they were not—to embolden the authorities to specifically warn frontline suburbs to take special precautions and prepare for extremes three days prior to the day of anticipated severe weather conditions?

Emergency management risk analysis, in my experience, is predicated on worst case scenario planning. Did that occur here? Perhaps it did. If it did, let us have it documented.

I turn to long-term major disaster planning. Did the authorities vastly underestimate a broad-front fire which would easily overstretch ACT fire and police units trying to cope with simultaneous breaches of the urban fringe over a front of 30 kilometres or more? Look at the ACT map. The ACT is a long finger of urban sprawl, with a major western forested and grassland flank, vulnerable to high-speed north-west, west and south-west winds. Has that strategic picture been fully appreciated over the years? I stress again that we need look back over a number of years. I am not pointing the finger at anybody singly in 2002-03. We are looking at the entire approach by authorities over some time.

Mr Tim Fischer has made some interesting comments, as reported in today's press. Tim Fischer has backed a call for a national inquiry into the 18 January fires, following the ABC allegations that have been the subject of discussion here today. He has called for a national inquiry for the same reason as we are pressing for a full judicial inquiry.

The ABC cited anonymous sources who accused ACT firefighters of planning for the so-called best rather than worst case scenario. I agree with the Chief Minister that it is unfortunate that anonymous sources have been cited. That is why a judicial inquiry is important. It is important for people to be able to step forward fearlessly but openly, instead of anonymous sources leaking information.

Mr Fischer said:

The new allegations are a further reason why there should be a national inquiry and why Saturday January 18 should be designated Stromlo Saturday.

That is perhaps a bit dramatic but that is what he said. The Mount Stromlo observatory was destroyed in the fire, which sources said could have been contained with better preparation.

Let me compare the current needs for a judicial inquiry with the Gallop inquiry. I entirely agree with the position put by Ms Tucker about the need to mobilise a fully independent judicial inquiry into disability services. Ms Tucker said then:



It is a statement of value that we are making as a parliament if we say that we believe that this issue needs a proper independent inquiry. Why does it need a proper independent inquiry? ... There is also the issue of the perception throughout the community of carers and parents and of people with a disability themselves that they are not free to complain. Whether that is a perception or the reality is not the point. The point is that it is felt.

Another reason that I believe an independent commission of inquiry would be more preferable is that there can be a guarantee of confidentiality ... It removes the politics totally from the process. Removing the politics from this investigation is a fundamental reason for having an inquiry conducted by an independent commission of inquiry. I cannot stress that enough. We must remove it. We must have an independent look at these issues.

That was Ms Tucker in respect of the disabilities inquiry.

I have listed a significant number of very serious observations—I stress “observations”—not outright allegations, from a number of very experienced people. I have listed a number of my own questions, based on the facts and, I believe, objectively assessed. It is of paramount importance, for the sake and for the safety of our community, that these questions and observations be fully tested without fear and without favour. The government has not given confidence to the community that it seeks to get straight to the bottom of the circumstances leading up to and surrounding the events of 18 January.

It is of no concern to the opposition what facts emerge about bushfire management policy going back over 10 years. None of us in this place should be too shy about an examination of the history of bushfire preventative emergency management. The most important thing is that the community’s interests be best served and that we learn the lessons that must be learnt and then apply them to ensure that we minimise the risk to the community and the ACT’s infrastructure in the future.

I therefore call for a fully independent judicial inquiry.

**MS TUCKER** (4.08): I begin by acknowledging what Mr Smyth is trying to achieve with this motion. He is trying to make the inquiry process more effective and to cover a range of specific issues that he believes need to be addressed. I do not disagree with the issues that he thinks need to be addressed. I do, however, disagree with how they should be addressed.

Members are aware that there are several motions before the Assembly relating to the recent bushfires, each taking a different approach to addressing the issues raised by recent tragic events. As representatives of our community, we all want to do something to help us learn the lessons from these bushfires and to deal with the causes at the roots. But we need a coordinated and holistic approach that deals with both the specifics of the recent bushfires and the broader planning and environmental issues that these events have raised.

19 February 2003

I acknowledge that Mr Smyth has tried to do this by advocating an inquiry under the Inquiries Act, thereby giving it greater powers than the McLeod inquiry, and prescribing very detailed and specific terms of reference and processes for this proposed inquiry to follow. The motion has terms of reference (a) to (r), 18 of them, and prescribed processes (a) to (j), 10 in all, for the inquiry to follow.

In advocating such an inquiry, Mr Smyth is saying that the inquiries the government proposes to conduct are inadequate, but we are not convinced that that is the case. We agree that we need to deal with all the matters he has raised in his proposed terms of reference, although we believe that some of the broader planning matters are best dealt with in a separate process. Mr Pratt was concerned that the allegation on *AM* this morning could not be dealt with in a rigorous manner. But that would definitely come into the terms of reference for the coronial process. That is a full judicial process. I do not believe that it is appropriate to have another full judicial process on this issue running at the same time.

Mr Pratt quoted comments I made about why I thought the Gallop inquiry was important. I think this is a different situation. Before the Gallop inquiry, the government of the day was resisting attempts to have the issues dealt with. Mr Moore wanted them dealt with by the health committee of the Assembly. I was not happy with that. This is not an Assembly committee; it is an independent inquiry that the Labor government has proposed to deal with the bushfire issue.

There is no resistance from this government to full inquiries. The Chief Minister has said today—I do not think he needed to do that, because I understand that the coroner is to make a statement—that he was prepared to ensure that the coroner, under the Coroners Act, looked at the cause and origin of the fire. The coronial inquiry goes quite broadly to those issues that Mr Pratt expressed concern the McLeod inquiry could not deal with adequately. The issues he raised concerns about would be dealt with in the coronial judicial process, so I do not think his concerns in that area are justified, although I understand and agree that it is important that we have confidence that these matters can be looked at in a very rigorous way. I believe that that will happen.

The other concern I have with an inquiry under the Inquiries Act—we saw this happen with the Gallop inquiry—is a huge blow-out in legal costs. It is a legalistic process. I watched with interest the huge costs of the Gallop inquiry as government supported its officials with very expensive and highly qualified legal support. There was a terrible impact on members of the community who wanted to have a say in the process. It was not a particularly constructive process, to say the least. It was extremely expensive, and it was extremely intimidating for anybody who wanted to be involved but did not have a QC beside them. That is another reason I have a concern about Mr Smyth's proposal.

The government has announced today that they want a review of land use where the pines were burnt. Land that was burnt out and is capable of being used for urban purposes will be dealt with through the spatial plan process. Rural land will be dealt with through a separate study which Mr Stanhope announced today. That looks a reasonable process. I have some concerns about the spatial plan process. I have consulted the community on how it feels about the spatial plan development. There are some concerns about how well people are being listened to. I will be raising that with the minister in more detail after I have had more time to consult further and find out exactly what the problems are. If we are handing this question over to the spatial plan process, we have to have confidence in that process. I will be giving closer attention to that.

It is important that we do not see confusion or conflict between the inquiries such as we saw with the Gallop inquiry. That was partially to do with the way Justice Gallop chose to run that inquiry. I recall that with the hospital implosion the then Liberal government was very concerned about the potential for overlap. From memory, a member of the judiciary expressed concerns, and the Liberal government immediately withdrew the proposal to have an inquiry under the Inquiries Act, because of concerns about the overlap. In my time here I have seen different approaches to this question from the Liberals. I guess we just move on and learn, and deal with each issue as it arises, doing what we think, in good conscience, is going to serve the community interest in the best way.

I am uneasy about some of the highly legalistic and prescriptive language Mr Smyth has used in his terms of reference. That takes me back to the points about legal costs and so on.

I agree with the issues Mr Smyth has referred to. It is important that we look not just at future land use but also at water management, industry development, and planning and design requirements. These are all aspects that need to be addressed. Work was being done to some degree through the spatial plan process, but there is a lot more information to feed in after the fires.

We agree that it is relevant to look at what caused houses at the urban interface to burn or not to burn. We believe that future planning processes should not be part of the proposed inquiry but part of the McLeod inquiry and potentially part of the coronial process. According to the Coroners Act, if you are looking at the cause and origin of the fire, those sorts of aspects could be included.

I have some concerns about community consultation on the spatial plan. I intend to continue to pursue those concerns.

While I cannot support Mr Smyth's motion, for the reasons I have outlined, I appreciate his efforts and look forward to working with him to make a positive contribution to our efforts in the Assembly to improve our ability to deal effectively with bushfire risks and threats.

19 February 2003

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (4.18): Mr Speaker, the government does not support Mr Smyth's motion. The government takes this position for several reasons, but it would be helpful first to summarise what the government has already announced it will do to complement the coronial process which is required under the Coroners Act and the context in which it made its decision.

The tragic firestorm of 18 January is the single largest disaster ever experienced by the people of the ACT. The incident is one that must not be repeated. Accordingly, it must be responded to properly and comprehensively, and not be subject to political opportunity.

There is a clear need to be informed after a methodical independent examination of what happened, and why, and what improvements may be possible to prevent such an event from ever recurring. As I have already mentioned, a judicial process is already under way with the coroner. This process will consider the tragic deaths that occurred and the origin and cause of the fires that led to them, as Ms Tucker has just indicated. Following discussions between my department and the Coroners Court today, the Chief Magistrate and Chief Coroner is in the process of preparing a statement about the ambit and nature of the inquiry which the coroner will be undertaking in relation to the fires. Subject to that and my viewing of that and what it says, I will consider whether or not I might be able to take further action.

All persons who have important information which needs to be provided or who wish to be heard, together with their legal representatives, will be able to provide that information on oath and in an open public forum. The coroner's report will in due course provide a very detailed and lengthy explanation of the event, with conclusions and findings on all relevant issues, as required under the act.

Given this, the government has proceeded by determining what else needs to be done, particularly to complement and not duplicate the work of the coroner. It is important that we focus on that. This is a major process that the coroner is involved in. This is not some quick, cheap, fly-by-night approach to these major issues. This is a major process which will require enormous resources, will take a long time and, as Ms Tucker said, will be informed by a whole range of legal advice. At this stage it involves a task force of 10 Australian Federal Police officers investigating and collecting evidence and preparing a brief of advice or evidence for the coroner. A coronial inquest is a major undertaking. It will delve into all aspects of this fire. We are concerned to complement that work, noting the need for us to act quickly in a whole range of areas and to ensure that we are protected. But it is necessary that we do not duplicate the work. As I have said, the coroner's process will take time, but we need a quick, thorough and professional examination of the events to enable appropriate operational responses to be made before the next bushfire season.

The McLeod review, which I announced on 10 February, specifically meets the need. It is deliberately focused on a whole range of issues associated with the fire and the operational aspects of our emergency services. The leadership of Mr McLeod, the Commonwealth and ACT Ombudsman, will bring the necessary skill, independence and credibility required to ensure that all the important operational lessons which need to be learnt are learnt and are acted upon in the required time.

It is appropriate that we reflect on the terms of reference of the McLeod inquiry. They are not narrow terms of reference. The terms of reference for the McLeod inquiry are:

The Inquiry will examine and report on the adequacy of the response to the bushfires by the ACT Emergency Services Bureau and its components (ACT Bushfire Services, ACT Emergency Services, ACT Fire Brigade and ACT Ambulance Service) and other relevant agencies, including ACT Policing, Environment ACT and ACT Forests with particular reference to—

including but not exclusive—

i) the preparation, planning and response to the bushfires and of strategies for the evaluation and management of bushfire threat and risk;

You cannot get broader than that. It includes every aspect of the fire. The terms of reference continue:

ii) ESB's management structure, command and control arrangements, and public information strategy;

iii) the coordination and cooperative arrangements with other ACT and interstate, Commonwealth and non-government agencies, including utility providers, for managing such emergencies; and

iv) the adequacy of ESB's equipment, communications systems, training and resources.

In undertaking its work, the inquiry team will consult closely with the coroner conducting inquests into the deaths and try to avoid any duplication. The terms of reference also state:

The Inquiry is also to advise the Government on the ACT's overall structure for dealing with emergency situations, given the Territory's unique context (geographic, population, financial and administrative), including the operation of the Emergency Management Act. In providing this advice, the Inquiry should make reference to arrangements that exist in other jurisdictions for dealing with emergencies.

The Inquiry Team will report to the Chief Minister by 30 June 2003 ...

They are extremely broad terms of reference. They cover all aspects of the fire. Mr Smyth's proposed terms of reference might be in some detail, but there is almost nothing in them that is not covered by the broad, expansive terms of reference of the McLeod inquiry.

The other major initiatives the government has committed to concern land use. Ms Tucker mentioned these. Land use decisions which are taken concerning the burnt-out areas of the ACT will have a long-term impact. Such decisions should not be taken lightly or in ignorance, nor should they be subject to immediate political pressure. Decisions on these issues are also required expeditiously because the land is susceptible to weed growth and erosion. Additionally, ACT Forests has a range of planting materials about which it needs to make decisions.

19 February 2003

The government will be commissioning a small expert multidisciplinary study on the sustainable development of the non-urban areas which have been affected by the bushfires. The study needs to consider the best use of land for the development of the territory and the impacts on infrastructure and on adjacent areas. It needs to consider a wide range of land uses, including native landscapes, nature parks, recreational uses, river corridors, softwood and hardwood forests, agriculture, and recreational uses. Rural uses, including rural settlement development, and community involvement will be integrated into the study and will be part and parcel of the study.

For each option, the social, environmental and economic implications—including servicing costs, government financial constraints, potential revenues and other benefits—will have to be taken into account. The study will form an expert input into the development of the Canberra plan and it will be subject to further consultation before it is finalised.

The government's approach to all these important issues is sound and appropriate. It makes best use of our resources to ensure all required issues are fully and thoroughly examined and can be properly responded to in the most beneficial and timely way.

In contrast, I think the opposition's approach is not integrated. It is proposing a process that does not complement but essentially duplicates, if not runs in opposition to, the coronial inquiry. The proposed inquiry would require examination of every conceivable issue relating to bushfires and a range of other matters, including issues around water and the water catchment, that do not need to be part and parcel of an investigation into the fires and are much better the subject of separate processes.

The government is open to these inquiries. The government wants these inquiries. We want all the questions asked. We want all the questions answered. We want the community to have faith in its emergency services capacity and capability. The last thing we want is an emergency services capability or capacity that is not able to meet the needs of the community. Secondly, we do not want the community to have nagging doubts about the capacity or capability of our emergency services. It is not in anybody's interests. It is not in the government's interests. To the extent that this government has been in office for one year after seven years of Liberal government, I do not think it is particularly in the interests of the previous government for circumstances that were very much part and parcel of its stewardship to be persisted with into perpetuity if they are not what we would want.

**Mrs Dunne:** I take a point of order, Mr Speaker. It is an outrageous imputation by the Chief Minister that the members of the opposition, the Liberal Party, would be afraid to have anything revealed; that the previous government had not done the right thing. This is what it is all about. The idea of an inquiry is to bring out the truth. We are not afraid of the truth. This is an outrageous imputation, and it should be withdrawn.

**MR SPEAKER:** There is no point of order, Mrs Dunne.

**MR STANHOPE:** The two most amusing letters I have read in relation to the Liberal Party's attitude to an inquiry are those that make that very point—that there is a whole range of attitudes about the Liberal Party's stewardship that we probably should have a deep, hard look at. I am sure that will be done through the coronial process and through the McLeod process. That is not the point I was making, Mrs Dunne. You misrepresented the position I was putting. The very point I was making was that it is in interests of absolutely nobody in this community, this government or your party or in the interests of the people of Canberra for this not to be full and thorough. It is what we want, it is what the people of Canberra want and it is what they are going to have.

**MRS CROSS (4.28):** Mr Speaker, I cannot support this motion by the Leader of the Opposition to set up an alternative or additional inquiry into the 18 January firestorms under the Inquiries Act 1991. I asked the Leader of the Opposition to consider deferring this motion so that I could undertake proper consideration of it. It is a matter of regret to me that the opposition was not able to accommodate this request. Mr Smyth's notice of his inquiry was tabled only yesterday.

As a matter of public record, I have supported the government's inquiry, to be headed by Mr McLeod, into the bushfires. I have noted also that there will be a coronial inquiry as well as an inquiry into land use and forestry. Mr McLeod's inquiry will report at the end of June. The land uses and forestry study will report in four months. The coronial inquest will be ongoing until completed.

I must emphasise that my support is conditional on there being adequate opportunity for members of the public—and let us face it, they will be the most affected by this natural disaster—to have input into these inquiries. Accordingly, I have also noted the assurances given by the Chief Minister in question time today. I have been assured by the government that the public will be involved in the McLeod inquiry. I want to make it quite clear that my support for the inquiry is conditional on that public input.

If, and only if, that public input is absent or deficient, then I will consider alternative terms of reference or alternative inquiries, but not before the government's inquiry is given the chance to prove itself. The government's inquiry has hardly been given the chance to prove itself only weeks after it was announced.

I believe the opposition is being pre-emptive by trying to highlight issues of the government's inquiry that at this stage cannot be substantiated. I will not be supporting the Leader of the Opposition's motion.

**MR STEFANIAK (4.31):** Mr Speaker, I have listened with interest today to what members have said, especially to what the Chief Minister has said. The Chief Minister—I do not necessarily doubt him—seems to want a very thorough inquiry. You will get a pretty thorough inquiry through the Coroners Court, but it will not do everything. I think even the Labor government appreciates that, by having some other form of inquiry. But is it enough? I would suggest it is not enough, for a couple of reasons, one particularly glaring.

*19 February 2003*

The firestorm of 18 January is the single most horrible disaster to affect this territory in living memory. It took four citizens' lives, destroyed millions of dollars worth of private and community property and has caused untold angst. It will affect many people for a long time to come as the trauma and some of the problems set in. It is essential that the most thorough inquiry be held so that, if there are lessons to be learnt, they will be learnt.

It is essential that people who give evidence before an inquiry be able to do so fearlessly, have their say and be properly protected. That will be so for people who give evidence before the Coroners Court. On many occasions I was an assistant to the coroner when I was with the DPP. The Coroner's Court is quite often very thorough. I have no doubt that it will do its job very well. But because of the nature of it, it can cover only a certain number of things. It will not be able to cover every conceivable angle.

I would like to put on record my complete faith in the coroner chosen, Maria Doogan, whom I have an immense amount of time for. I have told her that privately, and I will say it publicly. She is an excellent magistrate. But there will be things looked at elsewhere which the Coroners Court will not be able to look at.

It was interesting to hear the Chief Minister in his response to Mrs Cross's question today. It was quite a good question. I am a bit surprised that she accepted the Chief Minister's explanation and does not want this inquiry at this stage. If you do not have it at this stage, you probably never will. The Chief Minister said a number of things. He talked about sections 18 and 19 of the Coroners Act, which I will read out for the record shortly.

The Chief Minister said that there is the separation of powers issue. He is absolutely right. The second point he made was: "I cannot direct the coroner." He is absolutely right. He cannot. There will be a team of very experienced police helping the coroner. An experienced police officer will be the coroner's assistant and will assist the DPP. The DPP will brief senior counsel. It will be a big inquiry.

I can remember the hospital implosion inquiry. A number of people were not satisfied that everything that they wanted to see happen in fact occurred. It is the nature of coronial inquests. Even the government seems to appreciate that. The Chief Minister said that he wants the McLeod review to complement the work of the coroner.

My colleague Mr Smyth wants an inquiry under the Inquiries Act to complement the work of the coroner. He wants to ensure that it covers every single conceivable base. We owe it to the territory to do that. We owe it to the people who have been tragically affected by this fire. We owe it to the relatives of the four tragically killed. At this stage it is not a question of apportioning blame. Let us have proper full inquiries to see exactly what happened and what we need to do.

Section 18 of the Coroners Act, under division 3.2, "Inquiries into fires", states:



**18 Coroner's jurisdiction in relation to fires**

- (1) A coroner shall hold an inquiry into the cause and origin of a fire that has destroyed or damaged property, if—
  - (a) requested to do so by the Attorney-General; or
  - (b) the coroner is of the opinion that an inquiry into the cause and origin of the fire should be held.
- (2) Where—
  - (a) the owner or occupier of destroyed or damaged property requests a coroner to hold an inquiry into the cause and origin of a fire; and
  - (b) the coroner is of the opinion that an inquiry into the cause and origin of the fire should not be held;

the coroner shall give to each owner or occupier who requested that an inquiry be held written notice of his or her opinion and the grounds on which the opinion is based.

So far, so good. The coroner wanted an inquiry. That would be normal. The Attorney-General wants an inquiry. Section 19 in division 3.3, "Inquiries into disasters", is probably more relevant than section 18. It states:

**19 Coroner's jurisdiction in relation to disasters**

- (1) The Chief Coroner shall, if requested to do so by the Attorney-General, cause an inquiry to be held into the cause and origin of a disaster.
- (2) The Chief Coroner shall not cause an inquiry to be held into the cause and origin of a disaster except with the consent of the Attorney-General.

The Attorney-General has said he wants the Chief Coroner to do that. Chief Coroner Ron Cahill has appointed Maria Doogan as coroner. The coroner has to have an inquiry into the cause and origin of a disaster. The Chief Minister, under those sections, cannot direct exactly what the coroner should do. There is very good reason for that. That is why it is important to have an additional inquiry rather than an additional review.

It is very important that witnesses be able to give full, frank evidence and that they be protected. There may not be a need but there may well be. They would have the normal legal protection they would have if they were giving evidence in a court, which people will be doing before the Coroners Court.

I am a bit surprised that the government does not say, "Let us do it properly. Let us have an inquiry under the Inquiries Act, as Mr Smyth suggests." Mr Smyth's proposed terms of reference have been around for more than just a couple of days.

Ms Tucker is quite wrong in differentiating Mr Smyth's proposed inquiry from the Gallop inquiry. We had a pretty good coronial inquest then, I recall, but a lot of things that came out of the Gallop inquiry did not come out of the coronial inquest. Ms Tucker was very keen to see an inquiry at that stage, and the then Liberal government accepted the need for an inquiry and duly appointed former Justice Gallop to do that inquiry. I wonder whether it is because then it was a Labor opposition pressing a Liberal government for an inquiry and now it is vice versa that Ms Tucker has changed her tune.

19 February 2003

Another particularly good inquiry was that by Coroner Somes into a death in custody at Quamby and a couple of deaths at the Remand Centre. That coronial inquest unearthed publicly, under privilege, problems in those institutions. I have said before that we had some inkling of staffing problems at Quamby, but there was no way under the industrial relations laws of this territory that some of the staff could have been got rid of. That coronial inquiry came up with some good conclusions. It was a bad way for it to happen, but it did enable significant staff changes at Quamby which I think have been very beneficial. Good though that coronial inquest was, it did not uncover a number of issues that other inquiries did. The problems at Quamby and the Remand Centre were not of the same magnitude as the fire. As I said, the fire is the greatest single disaster to hit this territory.

The three deaths which led to the Gallop inquiry were quite disastrous, with a lot of personal ramifications, but again were not of the same magnitude as the fire. Yet we did have a full inquiry under the Inquiries Act. That is a very good precedent.

It is crucially important that the inquiry into the fire be done properly and that witnesses be afforded all the privileges they would have if they were in front of the Coroners Court. The only way to go is to accept Mr Smyth's motion. Everyone in this house wants to ensure that we look at this matter thoroughly.

If there have been problems with things the previous government did or did not do, so be it. Let it come out. If there are problems with what the Follett government did or did not do, so be it. Let it come out. If there are problems with what the current government did or did not do, so be it. Let it come out.

We owe it to our community to have a most thorough inquiry. There will be a very good coronial inquest, I have absolutely no doubt. But we also need to cover all the bases through the inquiry Mr Smyth has proposed, with its very sensible timeframes for the various parts of the inquiry.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Arts and Heritage and Minister for Police and Emergency Services) (4.41): We all know that the fires that impacted so disastrously on us were caused by lightning strikes. The three in Canberra and the fire at McIntyres Hut forest were caused by lightning strikes. As has been reported in the press and on television news, the fires in fact from just north of Canberra to pretty well nearly Melbourne were caused by lightning strikes. So it should go without saying that these fires were caused by lightning strikes. But, no, it doesn't go without saying, and that is how thorough the coroner's inquiry is going to be. I understand that there is no assumption there that lightning caused these fires.

I understand that experts are trying to find, if possible, the site of the fires, and if the cause was lightning they might well be able to do so. That is how thorough things will be. Mr Smyth's motion does not say that—it does not say that there should be an investigation into how the fires started. So I make the point that members can be confident that these inquiries, and the coroner's inquiry in particular, will be absolutely meticulous. Members should have no anxiety about that.

I should also make the point that when you start to get into detail you find you cannot cover everything. I believe that the more dot points I see in any suggestions the more problematic an inquiry might be, because you know you will not have covered everything.

On a number of occasions today and on other occasions the Chief Minister has spelt out how thorough the coroner's inquiry, the judicial inquiry, will be. At the beginning of my speech I emphasised the thoroughness of that inquiry. The Macleod inquiry is also very broad and covers a range of important issues. The inquiry which was announced today, which I for one have been working on for some time and which looks to the future, also covers a range of issues that are most important and need to be dealt with urgently.

As Mr Stanhope said, areas are prone to weeds and erosion. In fact, as we have all read, one of the reasons that the pines were planted extensively was to counter erosion. So some of the decisions arising out of the non-urban bushfire affected area report might need to be acted upon very quickly.

On quite a number of occasions in the earlier part of this debate I heard the word "rumour" being used. Well, folks, we don't establish major inquiries on the basis of rumour. I think members were trying to express a sentiment, but it was actually a poor choice of word. I think some of the background is quite valid but the word should best not have been used. There are issues to be—

**Mr Pratt:** We should organise an inquiry based on the fact that a disaster has occurred—that is what we are saying.

**MR WOOD:** Well, you said "Rumour says. Rumour says. Rumour says", over and over again.

**Mr Pratt:** No. We said that based on the fact that a disaster has occurred we want an inquiry.

**MR WOOD:** There are three strong inquiries, plus one that ACT Forests is doing, which is of a different nature, that are about to cover comprehensively all the points under debate—more points than we can imagine in this chamber today, and that is where it should stay.

From what I have heard during the debate today it is fair to say that Mr Smyth's motion will not get up. I do not dispute at all the interest in and the thoughts behind the intention of his motion and the concerns of the people that he and his colleagues have listened to. But we have no doubt that all of this is going to be covered. There are rigorous processes in place: let them take place.

**MS DUNDAS (4.46):** Everyone in this Assembly is united in their desire to rebuild Canberra after the fires, to provide support and assistance for the people affected and to prevent another tragedy like the January fires occurring again. Everyone in this Assembly got behind the Chief Minister during Canberra's time of crisis, demonstrating the fact that we all have the best interests of the ACT at heart. Disappointingly, now that the immediate crisis is over and we have moved into the review and assessment stage, it appears the government wants to play petty politics.

19 February 2003

I respect and accept that there are some areas of what happened leading up to 18 January and on 18 January and the days following that do need to be assessed by the government. An assessment needs to be made of capabilities. I am assuming that an automatic review is being carried out by the Emergency Services Bureau. Also, there have been discussions about what the police are doing. I understand it is normal for such reviews to take place after these kind of things occur. But four inquiries should not be conducted with such haste and there should be time for consultation with stakeholders.

It is unfortunate that the government has chosen to withhold information and manipulate the timing of announcements to keep control of the review processes and shut out the input of the Assembly. I believe that this Assembly, which collectively represents the people of Canberra, has the right to be given information and provide input into the government's proposed land use inquiry, the response of Emergency Services, and other inquiries relating to the fire.

This morning we learnt from reading the *Canberra Times* that the government plans to carry out a study on bushfire affected areas. When I approached the Chief Minister to ask how the Assembly could be involved, I learnt that the government has no plan to consult the Assembly about the terms of reference for these inquiries. I learnt that the Chief Minister has no plans to even make a separate statement in this Assembly about the scope of these inquiries. The media releases that I assume informed the *Canberra Times* about these inquiries are still not publicly available on the ACT government ministerial website. We have unfortunately stepped into policy by press release.

When I raise potential problems with the review into non-urban fire affected areas, I am told to be rest assured that the government has thought of everything. I am told that if I trust the government, everything will be fine. Unfortunately, the history of politics across the globe demonstrates that it is not enough to rely on trust when we are talking about how governments operate. The community needs to be assured that the questions that they want answered are asked, so that we can get the answers we need to help us move forward.

The inclusion of the Inquiries Act, as proposed by Mr Smyth today, would give the government a substantial amount of influence over the content of the report of the inquiry. The motion gives the Assembly an opportunity to consider the terms of reference for the inquiry. I appreciate that the inquiry proposed by Mr Smyth would be expensive. But I assume so too will be the other reviews proposed by the government. Taking people offline in government departments to specifically look at the future of ACT forests, the actions of the Emergency Services Bureau, and stepping up the time frame on the spatial plan, will all involve some form of cost. The terms of reference proposed are quite comprehensive and the government could roll its reviews regarding Emergency Services into the review that we are debating today.

The other important point that needs to be made is that we should thank Mr Smyth for bringing this motion to the floor of the Assembly for debate today. We all feel that we should have an input, we all represent different areas of the community, and we all have had concerns expressed to us about outcomes and how we can move forward. The mentality of the government that it will all be fixed in-house does not provide me with confidence; and it is not providing the people in the community I speak to with confidence. As I have said, I accept that some things will happen in terms of how the government operates, such as automatic reviews being put into place, and that is important. But we have the opportunity under the Inquiries Act to broaden the scope of the investigation to give proper protection to people who provide evidence to the inquiry.

I was quite disappointed to hear during question time today the Chief Minister call people who wish to remain anonymous—I think this was the phrase he used—“gutless wonders”. There are times when confidentiality is paramount because people could suffer harassment, people might lose their jobs. We don’t splash the names of victims of crime around everywhere because we recognise that if we did they could be further harassed. People need to feel confident that they can come forward to put their concerns about what led to this tragedy and what happened in the aftermath of this tragedy.

I hope that this debate today has given the government food for thought. I hope that they will not go back into their bunker after this debate and pretend that they can get everything right. I know that the government has the great resources of the ACT Public Service behind them and working with them, and that is important, but the community still has a lot of questions that they feel are not going to be answered by the government’s inquiries. I urge—and I hope this debate results in this—the government to reconsider how it is operating in the aftermath of this tragedy, and how it can be more inclusive and more aware of the feelings and need for input that the community is looking for.

Hopefully we can learn much from what has occurred over the last couple of months, in a time frame that allows us to better prepare not only for the bushfire season next year and the continuation of the bushfire season this year, but also for any other sort of disaster that may affect our town in the future.

**MRS DUNNE (4.53):** I compliment Ms Dundas on her thoughtful contribution to this debate—a thoughtful contribution that cannot be considered partisan. I think it is very sad that, although it is now four weeks since the fire, this is the first chance members of this place have had to be consulted about the inquiries being held into the great tragedies around 18 January.

In response to a question from Mrs Cross during question time today the Chief Minister said that the rules of evidence and the rules of privilege would not apply to the Macleod inquiry. This is one of the most telling problems with that inquiry.

19 February 2003

I think it is time that we went back and had a look at a little bit of history of ACT inquiries. I would like to draw members' attention to the Stein Report of 1995-96. Admittedly, Mr Speaker, this inquiry was held under the Inquiries Act, but in an attempt to make things as informal and as inclusive as possible, all hell broke loose. There were submissions, writs and injunctions; there were applications to cross-examine witnesses because exception had been taken to people making written submissions to the inquiry claiming maladministration and impropriety. There were not enough protections under the Inquiries Act to stop injunctions and the whole process being mired in legal process.

This, Mr Speaker, is what may happen with the McLeod inquiry. We have heard that there are people who have concerns about serious issues that they want to have raised. Some of them were raised this morning on the *AM* program on ABC radio. These matters may not be accurate or they may be accurate, but at this stage we do not have a means of determining that.

It is very interesting that if someone makes an allegation in the media which is discomfoting to a politician, they are a "gutless wonder", but if they make an allegation that brings succour, they are a courageous whistle blower. We do not know yet whether the people who made allegations to the *AM* reporters are gutless wonders or courageous whistle blowers, but we need to have the mechanism to find out.

My concern, and the concern of members on the opposition benches, about the current d inquiry relates to the status and the capacity of the inquirer. In fact, he has no powers to protect anyone, he has no powers to force anyone to give evidence, and this means that it is an inquiry without teeth, without guts.

What we have to do, and what this motion brought forward today by the Leader of the Opposition does, is give people the power, the certainty, the confidence that when they approach an inquiry or a review, they will be protected; that they will not be coerced; that they will not be subject to injunction, to defamation writs and to all the sorts of other things that have happened in the past. If we have to look at our history we will see that things have gone wrong in the past. As a result of the Stein report the Inquiries Act had to be amended and given more teeth. We have the mechanism in the Inquiries Act to give the people of the ACT confidence and certainty that their concerns will be raised and aired in a dignified, appropriate and impartial fashion.

It is obvious that we have to get the story. We have to look at what has happened. We have to look to see if there were past failings and, if so, whether they are the failings of the Stanhope government, the Humphries government, the Carnell government, the Follett government or the Kane government. There may be failings. If there are, we have to bring them out and have a look at them. We have to be grown up enough to admit that we have made mistakes. There cannot be innuendo. We cannot get to the end of the inquiry with people feeling that they have not had a fair hearing.

It is very obvious, Mr Speaker, that this motion of the Leader of the Opposition is going to fail today. I issue a challenge to the Chief Minister. When he stops quibbling over the terms of reference, I challenge him to sit down and have a good, hard look at what is being proposed. What is being proposed is an inquiry into the cause and conduct of the fire and whether or not things went wrong. No-one is making judgements. The opposition is simply suggesting—and this Chief Minister will not take it on—that people should be given protections under the Inquiries Act. My challenge to the Chief Minister is that he make the d review an inquiry under the Inquiries Act. Whether the government does will be an interesting test of whether it is able to face up to its responsibilities. I commend, with a sense of desolation, this motion to the House.

**MRS BURKE** (4.59): Mr Speaker, where are the members of the government right now? I am extremely concerned at their lack of presence in this House when we are discussing such an important matter. What are they afraid of? There almost seems to be an arrogant complacency about the investigation and consideration of every avenue in regard to the worst disaster the ACT has seen and hopefully never ever sees again.

I commend members who have spoken up in support of Mr Smyth's motion to have an inquiry under the Inquiries Act 1991. There are three main points to remember, and they are worth making again. Under the Inquiries Act 1991 such an inquiry would provide protection of witnesses; rules of evidence would apply; and there would be coercive powers of inquiry.

Much has been said about certain aspects of the government's inquiry. I am extremely concerned that without the inquiry that Mr Smyth proposes we will never receive the frank and fearless advice that we should all be yearning for or details of the train of events that occurred before and on the day of the fire. I thoroughly support Mr Smyth—

*At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MRS BURKE:** As I was saying, I thoroughly support Mr Smyth's motion that we indeed do have a full, frank and fearless investigation into the events of that terrible day.

**MR SMYTH** (Leader of the Opposition) (5.01), in reply: Mr Speaker, it is disappointing the think that this motion will go down. This is a government that came to power on the call for honesty, openness and clearer process. I think that the problem with the response of the government to the motion is that they have not said why they would not elevate the inquiry that they propose, which really is just a review, to proper inquiry status under the Inquiries Act. They have put no argument against the proposition that the inquirer, Mr Macleod, should have the powers as outlined by the Inquiries Act. So I throw down the challenge. If it is simply my terms of reference that upset the government, fine, get rid of them. I would be happy with an outcome that elevated the terms of reference that the Chief Minister has put forward to an inquiry under the Inquiries Act. I fear that what we have is the outsourcing of the standard review that ESB, the Emergency Services Bureau, would have done anyway.

19 February 2003

Ms Tucker acknowledged that my motion would make the inquiry more effective and give it greater power. I am at a loss to understand how she can say that and then not support the motion. Ms Tucker said that the issues could be dealt with separately, and I agree with that. But instead of having these reviews go to the government, why not have them go to the inquirer, why not have the studies go to the inquirer, so that the inquirer can put together the full picture on behalf of the community of the ACT?

There was a fear that there might be a blow-out in the cost. Well, what cost the truth? Are we going to put a cost on the truth? I understand that the reverse side of Gallop was that many people were pleased that they had protections and that they actually were involved. They were even encouraged to come forward to say their piece because they knew that they had some protection which gave them the confidence that they might not normally have had.

I do not think we should accept the argument of a fear of something being too legalistic. The whole process will be quite legalistic in the coroner's inquiry but we do not doubt that we should have a coroner's inquiry.

**Ms Tucker:** That's the place for it.

**MR SMYTH:** I thank Ms Tucker. We have had a couple of conversations about this and I think I understand her position. But if the position of the government is that they simply prefer their terms of reference, okay, elevate their terms of reference to a full-on inquiry under the Inquiries Act.

The Chief Minister made much of the fact that there is a coroner's inquest. As we all know, that was to have happened anyway. There are any number of examples where coroners' inquests and independent judicial inquiries have run side by side. It is not about competition: it is about complementarity and making sure that we get this done in appropriate time frames. I know, for instance, that researchers from the ANU and the School of Forestry were out within days, gathering the evidence before the evidence disappeared, was disturbed, demolished or, in the case of a rainstorm, washed away. So there is a necessity for speed to gather the information and make sure we get it right.

Mr Stanhope said he wanted it done properly, appropriately and without any political opportunism. I think we all want that. I think one of the ways, as Ms Dundas pointed out, to ensure that is to make the process inclusive so that the process goes through the Assembly and therefore has some imprimatur. And I think that is correct. I do not believe that this will duplicate what the coroner will do. The coroner has specific purposes and the coroner will, because of those specific purposes, unfortunately take a great deal of time. That is the route that coroners' inquests always take.

Unfortunately, we do not have time. If you wish to rebuild your house and start when the block is cleared, possibly within months, you will not have any expert, independent advice about what precautions you should take. Should we, before we allow rebuilding, redesign some of these suburbs? I personally suspect not, but they are questions that could be answered quickly and effectively, and come through the initial report of an independent inquiry by the end of April.



The opposition believes that the independence required, that the timings that need to be met, that the protections and powers that should be given to the person conducting the inquiry, are critically important for people to be totally confident in the outcome, and that is not to besmirch anybody's reputation.

This inquiry is now a creature of the government, and it should not be. This inquiry should be a creature of the Assembly, representing the people of the ACT, because the people of the ACT want to make sure we get it right so that we can minimise the chance of what happened a month ago ever happening again.

Mrs Cross said she wants to defer because she wants more time to consider. I put out draft terms of reference on our first sitting day. I put them out 10 days ago in a complete form. I have spoken about this for some weeks.

I think there was an expectation, right from day one when the Chief Minister said, "Please, leave us alone to fight the fires. There will be a full and open process when we're finished." I think everybody had the impression there was an inquest coming, an independent inquiry coming. I think there is a sense of disappointment out there. So I hope that we do not lose the opportunity before it is grasped.

I thank Ms Dundas for her words. I do have concerns about timings and making sure we get them right, and that is why I have three distinct timings. Oddly, I think in one way there is almost some slight praise from the government in that they have also picked up the need for the Macleod inquiry to report by the end of July so that we can incorporate any of its findings into the next bushfire season, and I do believe that is critical.

Mr Wood spoke about lightening strikes and the use of the word "rumour". Well, the rumours and the stories are out there. Everybody has got a story to tell about the fire and none of them tally up. I have heard varying claims about when and where and why and how, and the only way I believe that you will get to the bottom of this is by conducting a full independent inquiry under the Inquiries Act.

In summary, I do not believe it is appropriate to hide behind the line that "The coroner will cover it". Mr Stephaniak pointed out that in his experience there are often areas where the coroner does not cover it, where the coroner chooses not to cover it, and because of the act the coroner cannot be directed to cover it. I think that is an excuse we should not be hiding behind. This inquiry is to complement the coroner's inquest; it is not to override it or to somehow compete with the coroner.

I think what the people of Canberra want is something that will give them confidence. They will get that confidence, I think, from total independence and through an inquirer having the powers needed to do his or her job. The timings truly are important. The timings are not something that we should be taking lightly. The timings are important if we are to get the rebuilding process properly done and fireproof our suburbs as best we can.

19 February 2003

Canberra, as a bush capital, will always have the propensity to burn. This happens every year. How many years in the last 10 years has Mt Taylor gone up? Probably six or seven. How many times has the paddock of grass at the intersection of Isabella Drive and Clive Steele Avenue burnt in the last four or five years? Numerous times. Oxley hill burnt three days in a row because people kept coming back and lighting it. This city, because of its nature, has a propensity to burn. We need to fireproof ourselves, and we urgently need information to help us do that.

I put two challenges to the government. This motion will go down, and I think that unfortunate. I think this is an opportunity lost and I think we will rue that outcome. So I put this challenge to the Chief Minister: if the difficulty is simply that you do not want to accept my terms of reference, I am happy to surrender it. Use yours, Chief Minister, but elevate this to an inquiry under the Inquiries Act so that it can have the power to do the job properly and thoroughly. Mr Macleod will no doubt do his review properly, authoritatively, within the tools that he has. Elevate this to an inquiry if you wish, but give him the tools under the Inquiries Act to do it the best he can. My final challenge is: why won't you upgrade your review to an inquiry when that will clearly serve the people of Canberra so much better?

Question put:

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

The Assembly voted—

Ayes, 6

Noes, 9

Mr Cornwell  
Ms Dundas  
Mrs Dunne  
Mr Pratt  
Mr Smyth

Mr Stefaniak

Mr Berry  
Mrs Cross  
Ms Gallagher  
Mr Hargreaves  
Ms MacDonald

Mr Quinlan  
Mr Stanhope  
Ms Tucker  
Mr Wood

Question so resolved in the negative.

Motion negatived.

### **Totalcare—financial information**

**MS DUNDAS** (5.14): I seek leave to incorporate the amendment circulated in my name into the motion standing in my name on the notice paper relating to financial information with regard to Totalcare.

Leave granted.

**MS DUNDAS:** I move:

That this Assembly calls on the ACT Government to table financial information in the Assembly by 1 April 2003 relating to Totalcare identifying:

- (a) the total revenue received from ACT Government clients;
  - (b) the total revenue received from clients other than the ACT Government;
  - (c) the total cost of providing services to ACT Government clients; and
  - (d) the cost of providing services to clients other than the ACT Government;
- with all figures for each of the three business segments of Totalcare presented separately.

Mr Speaker, Totalcare was established in 1990 by the Follett government, originally providing laundry, safe waste disposal and sterilisation services for the ACT public health sector. Totalcare then branched out into road and infrastructure maintenance, property management, facilities management, and fleet management. As part of its expansion, the corporation moved into private sector work, presumably with the goal of achieving economies of scale.

Since taking office in this Assembly, I have been repeatedly approached by local business people who have competed against Totalcare for contracts with both government and private businesses and have been underbid by Totalcare. If it were clear that Totalcare was observing the principles of competitive neutrality, yet returning a profit to the ACT community, there would be no call for questioning the bidding decisions of Totalcare. However, the fact that Totalcare has been consistently making a loss since it was established means that questions do need to be asked.

Since Totalcare moved into providing linen and other services to the private sector, which includes New South Wales hotels and hospitals, its financial losses have snowballed. Last year, the government injected an extra \$5 million into Totalcare in the form of a capital injection and upped ACT government contracts by \$10 million. More than 20 per cent of Totalcare's businesses are services to non-ACT government entities, so at least some of this money that has been injected into Totalcare could be attributable to private contracts done at uneconomic rates. Without the full information on Totalcare's accounts, how can we be sure?

Totalcare's losses are of great concern because it does appear probable that the business is bidding at below cost for private contracts. There is also a possibility that ACT government clients are being overcharged to make up part of the shortfall. However, the business is losing money overall, so it is possible that the subsidy for loss-making private companies is coming from direct cash injections from the public purse rather than through excessive charges for government services. But these are all at the moment just possibilities and questions that I pose. The motion that I have moved today seeks to get this information so that we can know for sure how Totalcare is operating and how public money that Totalcare uses is being spent.

I have been pursuing this issue for some time. In the estimates process over July-August 2002 I asked both the Treasurer and the chief executive of Totalcare which parts of the businesses were losing money and whether the private sector contracts were profitable. Unfortunately, as is the process with estimates, the chief executive of Totalcare was evasive and the Treasurer only conceded that the linen business was losing money.

19 February 2003

Since then I have put questions on notice to the Treasurer seeking the necessary information on public and private contracts for each of the three business segments. The Treasurer has responded that this information could not be supplied in total because it is commercial-in-confidence—that the data would disclose details of Totalcare's margins for each of its composite businesses and that Totalcare would be disadvantaged if competitors had access to this cost profiling.

In this instance, where the magnitude of losses to the taxpayers is substantial and the information in the annual report separating ACT government revenue from other revenue is so scarce, I cannot be satisfied with this excuse for withholding the information. All of the questions that I have raised about how money is being spent within Totalcare and cross-subsidisation of the private sector could be answered by saying that there is nothing wrong going on, that public money is being spent only on public contracts.

I would be happy to hear that answer, but without this information we cannot be sure and hiding behind the commercial-in-confidence curtains means that we can never be sure. At a point in time when we are having massive debates, as we had yesterday and I am sure they will go on, about exactly what is the financial position of the territory, whether or not money is being spent in the way that it should, we need to know what is happening in Totalcare, whether or not it is profitable and whether or not cross-subsidisation is going on.

I call for the Assembly's support for full disclosure of the current situation regarding cross-subsidies within the Totalcare corporation. The argument that costs from the last financial year will tip off competitors is difficult to sustain when it is clear that Totalcare is continuing its efforts to restructure the organisation and it appears that the cost base from year to year changes substantially.

I want this Assembly to be satisfied that Totalcare's decision to keep performing private sector contracts is financially sound. If it is financially sound, then it will continue and we can look at addressing the losses in Totalcare in other ways. But if it is not, if the information provided shows that it is not financially sound, then there is a duty on the government to direct Totalcare to withdraw from this area and for the money to be better spent in services across the ACT that are in desperate need of money.

I do hope that the Assembly will see the importance of this debate and choose to support this call for full disclosure from the government of the financial accountability of Totalcare.

**MR CORNWELL (5.21):** Mr Speaker, with one small amendment which my colleague Mr Smyth will be moving, the opposition will be supporting Ms Dundas' motion, which is seeking simple information so that the Assembly can establish for itself just where Totalcare's financial position might be at in a little more detail than the details of aggregate revenue, for example, earned by ACT government clients and non-government clients provided in the statement of corporate intent. There would appear to be no reason why this more detailed data should not be provided in the annual report, and there is no reason why it should not be provided in the statement of financial performance, nor indeed in notes 1 or 32 of the latest annual report.

There has been some difficulty in obtaining information in the past. I note that Ms Dundas put a question on notice last year seeking information on public/private contracts for each of the three business segments and that the Treasurer responded that this information could not be supplied because it was commercial-in-confidence. I had the same difficulty. In question No 339 I sought a copy of the ACT Treasury report on Totalcare Industries. Again, I was refused that information on the ground that, effectively, it would not be appropriate for the report to be placed in the public domain as it contains highly-sensitive commercial information.

Rumours abound about the use of public subsidies to undercut private competitors, about high wages and handsome redundancy payments being paid to the work force, and about current sections of Totalcare losing money. One of them at the moment is about the linen area. These rumours need to be clarified, killed off or confirmed and any suspicion that the government is propping up Totalcare needs to be addressed. I refer to the government propping up Totalcare because, in paragraph (6) of the answer to my question No 247, the government responded:

While the Government is committed to maintaining and growing a healthy private sector, it needs to be recognised that both Totalcare and ActewAGL are significant entities operating within the ACT markets and have been for a considerable number of years. The employment and economic impact of these entities on the ACT economy is very substantial.

You bet it is, because the economic impact in relation to Totalcare is a loss of \$21 million. That is quite an economic impact. Totalcare's future is clouded. I refer to the chief executive officer's report:

The viability of two businesses, Facilities Management and Roads, remains a matter of ongoing concern. Both are largely dependent on contracts from ACT departments and agencies for their future business, particularly Roads where the business is foreshadowing a significant reduction in revenue from the Department of Urban Services in 2002-03.

The difficulty of competing with the private sector has been recognised by other people, such as the Canberra Business Council in its submission to the Public Accounts Committee of August 2002, when, as one of its six key messages, it said, "Government should not take on risk on behalf of taxpayers that is more appropriately taken and managed by private investors." I say amen to that.

No better example of that, I would suggest, was Totalcare's quarry venture, which the Auditor-General raised in report No 7 of 2002. Totalcare had a 50 per cent share of the joint venture that was established to operate the quarry; yet, the Auditor-General noted, Totalcare's share of the expenses of running the quarry was 87 per cent. Why was this so? All I can possibly state is that somebody got a good deal out of it.

The Auditor-General also noted that the proceeds from the sale of the quarry were used to pay off certain lease debts of the joint venture and of the other joint venture partner and that Totalcare did not receive any direct monetary benefit from the sale of the quarry joint venture. There may be explanations for that, but I am concerned at the erratic nature of these reports. The Auditor-General also observed that, despite there not being a requirement for Totalcare to publish financial information on the quarry joint venture, it did provide information in 2000-01, but not in 2000-02.

The Auditor-General went on to note that agencies have a duty to report to taxpayers about all relevant activities and financial outcomes and this should have included details about the quarries. Again, I can but support that comment. Indeed, the Public Accounts Committee report yesterday recognised the need for annual reports to be a little more detailed in these areas. I must admit that there are indications that the government is moving towards having a more commendable approach to providing information in the form of the Taxation (Government Business Enterprises) Bill 2002, a matter which was adjourned by, I think, Ms Dundas yesterday.

I repeat that the opposition will support this responsible request by Ms Dundas by going along with her motion, not least because the Assembly does need to know where Totalcare stands financially before the government makes an announcement to keep it afloat by some merger or incorporation, such as the government did with the arrangement with CIT over the loss-making Australian International Hotel School. I do not want to see, and I am sure the Assembly does not want to see, a repeat of that little exercise.

In relation to the amendment circulated by the government about the insertion of the words “subject to an assessment by the Auditor-General of the commercial-in-confidence nature of the information”, I really do believe, like Ms Dundas, that it should be rejected. The commercial-in-confidence ploy has often—in fact, almost repeatedly—been abused. It is used to hide all information. What is commercial-in-confidence, anyway? I would suggest that it is whatever the government and businesses choose to make of it. Anything can be classified as commercial-in-confidence.

What was a good idea—I believe that it was well meant—to make government activities, including territory-owned corporations, more open and accountable has simply been prostituted to provide no more than window dressing and tokenism when we should have been looking at a quite legitimate attempt at providing transparency in government and business relations. I think therefore that the government’s proposed amendment should be rejected and I would urge members to support Ms Dundas’ motion.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.30): Mr Speaker, I want to make a few points. Ms Dundas has advised the house that she has been repeatedly approached by businesses feeling that they have been undercut by Totalcare. I haven’t, and I would be happy to hear from them, if someone could get the message to Ms Dundas. Could I move that this debate be adjourned?

**MR DEPUTY SPEAKER** (Mr Cornwell): You have already commenced to speak, but somebody else could do it for you if that is the wish of the house.

**MR QUINLAN:** I will continue for the time being. Mr Smyth has circulated an amendment which does two things, Mr Deputy Speaker. It changes the motion significantly and it obviates the necessity for my amendment to the motion.

**MR DEPUTY SPEAKER:** I understand that.

**MR QUINLAN:** In the meantime, just for the hell of it, I will move the amendment circulated in my name. I move:

After the words "That this Assembly" insert the words " , subject to an assessment by the Auditor-General of the commercial-in-confidence nature of the information,".

In the course of this day there seems to have been something missing, a piece missing. Businesses have approached Ms Dundas because they feel that they have been undercut a bit by Totalcare. We do not know who those businesses are. Those businesses certainly have not approached the government, as far as I am aware; at least, they haven't approached me. So I do not understand exactly that problem. We inherited from governments past Totalcare in a state in which we would not want to be starting it. Nevertheless, that was the position from which we had to start.

The livelihoods of the better part of 400 people are wrapped up in this process—400 people employed by Totalcare, most of whom were farmed out from the government sector with lots of assurances, assurances that it will probably transpire will be unable to be met, such as, "If the business folds, you will be back in the public service and trained if we can find a job for you." You just can't do that for 400 people.

The government has no interest whatsoever in hiding information in relation to Totalcare, other than in ensuring that Totalcare's viability, which is teetering, is protected to the maximum, not that that will be sufficient, maybe, to save some of the operations within Totalcare. But we would like to go through a commonsense process of managing that business and the various elements of it. Remember, it is a disparate collection of businesses, some of which have absolutely no relationship to each other, but which nevertheless were placed together in this enterprise under a desire to shove them outside the government sector or for other reasons that I do not want to canvass here because they are only rumour.

So we have this business that is struggling in some areas. We have this business that is providing services that are probably not immediately available elsewhere—essential services, sterilisation, some of the linen services—and a whole load of capital invested in them. Whether the linen service makes a profit depends on how much, notionally, the health system pays Totalcare, so we start to get into a bit of murky accounting. In fact, on the second two elements of cost in this motion, paragraphs (c) and (d), what you will get when those costings are done, and they are not done now in that manner, is, unfortunately, an accountants' answer.

It is important to understand the difference between costing and pricing. If you are in business and, let's say, you have a sale once a year. How you account for the costs and the margin you make on the goods in the sale is probably irrelevant and you probably do not keep that; you just say, "Over the year we sold so many widgets and paid so much, on average, for them and sold them for so much, on average, sometimes at the normal retail prices and sometimes at sale price, and that is the answer we got."

Businesses in a similar process will have core business and will involve themselves in marginal pricing where they can make more money, even though they can price the next bit of business at below average cost, because they are increasing the volume over the same degree of fixed costs—cost, volume and profit analysis. I don't know how far to go with that, but what I am trying to explain is that what people may be complaining about is pricing.

Totalcare and, to a large extent, the government as well complain about pricing because Totalcare is being undercut itself by people who employ day labour, people who employ single contracts—one person, one vehicle, one mobile phone—on and on and off basis, which is part of the casualisation of the overall work force which we do not think in the long term is a good thing, but we will not go too far into the philosophical part.

What we have offered in the course of the day, particularly to Ms Dundas—I think she would have got the message—is a confidential briefing. We are prepared to get Totalcare to give you all the facts so that you understand where it is at in the business. We are prepared to make, by virtue of the amendment that I have moved, the Auditor-General the arbiter of what Totalcare can claim as commercial-in-confidence and what it cannot.

I agree with what you have said and what Mr Cornwell has said; studies have shown that within contracts between government and the private sector, 80 per cent of the commercial-in-confidence stamps are applied by governments, not by the people out in the private sector. Governments tend to be more reticent to give information, for whatever reason, and don't want to there necessarily. But with some of the businesses, if you actually told the world at large the numbers required by this motion you would be giving Totalcare's opposition effectively its cost structure and its pricing structure and they would have competitive information that Totalcare does not have on them. Talking about competitive disadvantage, giving this information out may saddle Totalcare, struggling though it is, with a competitive disadvantage. We do not want to go there.

If Mr Smyth moves his amendment, I think we can accommodate the request. It is not going to be very informative, it is going to take a fair bit of work and it is not going to tell you much, but we can do it and it would also obviate the need for the Auditor-General to be involved, because we would no longer need that arbitration as we could say that we could do it. I might want to speak again because I am the only one on this side of the house speaking, but I will close at that point.

**MR DEPUTY SPEAKER:** I understand that Mr Smyth wishes to move his amendment and we already have an amendment before the house. Do you wish to withdraw your amendment, Mr Treasurer, and allow Mr Smyth to move his.

**Mr Quinlan:** Yes. I seek leave to withdraw my amendment.



Leave granted.

**Mr Quinlan:** I withdraw my amendment.

**MR SMYTH** (Leader of the Opposition) (5.41): I move:

Omit all words after “with all figures”.

Mr Deputy Speaker, I think that the amendment I have put forward will accommodate the needs of all here today, simply because it will allow us to scrutinise Totalcare, as we should be able to, without exposing Totalcare to the predatory actions of its competitors.

If all the information that Ms Dundas has requested were supplied, it would expose Totalcare’s major contracts, such that its competitors would know exactly the pricing structure that it has adopted. I do not think that that would serve any purpose. Removal of the words “for each of the three business segments of Totalcare presented separately” will allow suitable scrutiny of where they are getting their business from and how much it is costing them to provide those services, without actually giving the specific detail that would assist their competitors. I am sure that nobody here would want to create a non-level playing field, to the detriment of Totalcare.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.42): I wish to say a few words now. To a large extent, Mr Smyth’s amendment, which we would support if the motion looked like getting up, emasculates the original motion, and it has to be such. What we now have is a motion that will put Totalcare to a considerable amount of work by 1 April and will tell you nothing.

Motion (by **Ms Tucker**) negatived:

That the debate be adjourned to a later hour.

**MS DUNDAS** (5.44): I wish to speak to Mr Smyth’s amendment, hopefully to provide some more information about where this debate is going and what we are trying to do today. At the heart of my motion is the idea of trying to get information on how Totalcare is operating in terms of its contracts with ACT government clients and its contracts with non-ACT government clients.

During the discussions today, the Treasurer has said about breaking down the information into the three business segments that one of those segments has one contract and hence providing that information would put Totalcare at a disadvantage in that area because all that information on that one contract would be available. My understanding is that, by accepting Mr Smyth’s amendment to my motion, we will just get the global figures, a simple breakdown between ACT government contracts and non-ACT government contracts. Hopefully, that will provide us with at least some information on how Totalcare is operating and whether the figures look balanced.

19 February 2003

The statement by the Treasurer that this information will provide us with nothing is disheartening, but we will wait for it and see. The information that has been provided on Totalcare through estimates, through the annual report process and through the budget has not been helpful in terms of being able to figure out the situation. Hopefully, this motion will at least give us more information that we can put with all the other small bits of information we have to start forming a better picture of how Totalcare is operating.

I will speak again to close the debate, but I am happy to support Mr Smyth's amendment in that it will remove the need to have the commercial-in-confidence debate and still provide greater information to this Assembly to help clarify the picture on Totalcare's operations.

**Mr Smyth's** amendment agreed to.

**MS TUCKER (5.47):** I wish to make a few points. I understand Ms Dundas' concern in putting forward her motion. I think that it is important that we understand exactly what is going on with Totalcare. I understand that her concern is that the company is not going well in the private sector and that the government, the public sector, may be subsidising the private contracts side of the business. That is a problem because it means that we may be facilitating unfair prices and so undercutting other local businesses.

Mr Quinlan did not want to go into the philosophical issues, but I will go into them to a point. There is a fundamental question that can be asked about why we have made Totalcare a government business enterprise or why it has to operate as a business. It is part of what the Liberal government did. There are real questions for me about what that has meant for the capacity of that organisation to deliver essential services and what it means to Totalcare in terms of being able to compete.

We want to see reasonable working conditions and so on for employees. I certainly support that. Totalcare is quite often at a disadvantage, given the absolutely scandalous conditions for workers in the private sector, which means obviously that the private providers can be at an advantage in terms of competing for business with Totalcare. I think the overall question of why essential services have to be delivered in a way that fits within a business model has to be addressed and I do not know why we have to just accept that.

I understand the concerns being raised through this motion and I think that they are reasonable, given that Totalcare works in the way that it does. In the past, this Assembly has overcome the tension between confidentiality and scrutiny in a number of ways. I can remember a couple of occasions with Mr Moore in the First Assembly. In the last Assembly as well we dealt with it by having papers made available to members in the Clerk's office.

There seems to be agreement that Mr Smyth's proposal could protect Totalcare from disclosing too much commercial information. I do not fully understand the argument. As I understand it, Mr Quinlan is saying that it is going to provide meaningless information. I am not quite sure why he was supporting this amendment, but it has got up. I will not go any further into that, but I will support the general motion because I think the intention is worthwhile.

**MS DUNDAS (5.50):** I do appreciate the involvement of members in this debate. Yes, we are talking about 400 staff in Totalcare, as the Treasurer has pointed out. We are also talking about at least \$45 million of ACT taxpayers' money. I hope that the acceptance of this motion today will be another step forward in finding out whether we are getting value for money from how Totalcare is operating and whether we need to substantially review how it operates, how money is spent within Totalcare and how it goes out and bids for the contracts.

The Treasurer mentioned that he will make available to me a confidential briefing. I will be taking that up, because I am concerned about how Totalcare is operating and I do want to be assured that the business is running economically and socially in the soundest ways that it can; but rest assured that I will continue to work on this issue if information comes back that shows that Totalcare is not operating in a way that provides value for money for the ACT taxpayers' dollar. The Treasurer has said again and again that we need every dollar we have in the ACT's budget and we have to be quite tight in trying to figure out how to spend it. If there are private sector companies which can do the private sector contracts that are out there and the money that the ACT government is spending on supporting Totalcare could be better spent elsewhere, then we should seriously consider that.

I do recognise that some of the services that Totalcare provides are essential services. The cleaning of the linen in hospitals is essential and I am quite happy for money to be spent on those services by a government body doing those jobs, because we do need them. But questions have been posed during this debate today that, hopefully, the information that will be provided as a result of this motion will help address and we can then continue to investigate the financial dealings of the ACT and how best to spend our money here.

Amendment agreed to.

Motion, as amended, agreed to.

**Sitting suspended from 5.53 to 7.30 pm**

## **Gungahlin Town Centre—community consultation**

**MRS DUNNE (7.30):** I seek leave to amend the motion standing in my name on the notice paper by adding another paragraph in the terms circulated.

Leave granted.

**MRS DUNNE:** I move:

- (1) That this Assembly calls on the Minister for Planning to immediately recommence consultations with the Gungahlin community over the design and lay out of the Gungahlin town centre, particularly in relation to a pedestrian precinct and town square.
- (2) The Assembly also calls on the Government to take no further action to implement its plan for the Gungahlin town centre until it has reported to the Assembly on its renewed consultation by the first sitting day in April.

19 February 2003

It is with some regret that I have to bring such a motion to the Assembly, but for the past few years I have been listening to homilies from the present Planning Minister about planning for people and consultation, to the minister in his current and previous roles extolling the virtues of consultation and speaking about Labor listening, but what we have here today is a classic example of Labor refusing to listen. It has been suggested on a number of occasions by me and others that it would be a good idea if the Planning Minister sat down, with or through his officials, with the people of Gungahlin and nussed out what is essentially a pretty undignified contretemps about what the Gungahlin Town Centre should be about.

There are lots of fingers in this pie. The principal finger in the pie is the Gungahlin Development Authority, an organisation set up to develop the Gungahlin central area. I would like to draw the attention of the house to the principal object of the authority. Section 6 of the Gungahlin Development Authority Act 1996 says:

The principal object of the Authority is to ensure that the Gungahlin central area is developed in accordance with the principles and policies ... set out in the Territory Plan—

that is what we are doing—

to provide for the social and economic needs of the community.

I suppose it comes down today to one group in the community saying that their social needs are not being met. I have heard on a number of occasions the minister and the staff of the Gungahlin Development Authority putting forward very cogent arguments as to why their proposal is better than the proposal put forward by the Gungahlin community, the Gungahlin Community Council or the equality party. The process I would like to see is a meeting of the minds, which is why I have suggested to the minister that Gungahlin might be ripe for neighbourhood planning.

We have heard a lot said about Labor listening. Really, what it boils down to is that we have a situation where the people of Gungahlin have a lot to complain about because they are not being treated in the same way as other people. The minister has treated us to many sermons extolling the virtues of neighbourhood planning. He has said, quite rightly, that there is a lot to be said for neighbourhood planning. As a critic of the process, I have to admit that I have become somewhat of a convert—somewhat of a convert; I do not want the minister to take it out of context and get too carried away with the fact that I might agree with him on something.

The minister has done a lot about neighbourhood planning and it has become a badge of honour for him, but there is a lot that we also need to do. It was interesting to hear him extol during the consideration of the annual reports earlier this month the great benefits of neighbourhood planning. I will quote from the uncorrected proof *Hansard*, but it is reasonably accurate. He said:

But the neighbourhood plan ... has a number of objectives. It is partly aspirational, it is partly about values of the community, it is partly about what physical issues people want to see addressed in some suburbs.

That is really the nub of the argument about neighbourhood planning and the dispute that is becoming a bit unseemly between a group in the Gungahlin community around the equality party and the Gungahlin Community Council on one side and the Gungahlin Development Authority on the other.

In this place in March of last year the minister said:

... this government is committed to implementing its election commitments on planning. It will do so to restore community confidence in the planning process; to invest in planning; to develop a strategic approach to planning for our city that provides certainty for residents, certainty for investors and a clear framework that everyone can work within ...

But do those benefits extend to Gungahlin? I don't think that they do. Those benefits, as Richard Nixon might have said, are inoperative insofar as Gungahlin residents are concerned.

This anomaly has been raised with the minister on a number of occasions. In this place in December last year, Mrs Cross asked a very sensible question about the Gungahlin Community Council's proposal and asked why the government was not coming to the party on it. The minister said in reply, amongst other things,

It is a matter that I am currently considering because I do take the views of the Gungahlin community very seriously on this, as on all other matters.

Again we hear the minister talking the talk, but the big test is whether he can walk the walk. He went on to say:

That said, it is important to reiterate that the design of the Gungahlin town centre has not simply emerged off a planner's drawing board without a very significant level of community activity ...

He went on:

Indeed, planning for the Gungahlin town centre has been under way since the mid-1990s ...

But the trouble is that, for the most part, the planning about the layout of the streets and where the major supermarkets and such would go was done in 1995-96. Although there has been ongoing consultation at the periphery about things currently being undertaken, such as the community's views on recreational issues, we have to take into account that in 1995-96 there were about 5,000 people in Gungahlin and there are now in excess of 20,000 people. It might be pertinent, if we are building a city from the ground up in a planned way, to take account of the change of views. This motion asks this government to take into account the change of views and see whether there can be an accommodation.

*19 February 2003*

All members will be aware that the Gungahlin Community Council recently published the results of its community survey with regard to the development of the Gungahlin Town Centre. It is well known—I am sure that we have all received the emails—that more than 90 per cent of the participants prefer the proposed pedestrian town square model to the main street model developed in 1995-96. Is Labor listening to that? I don't think it is. Such overwhelming community concern cannot easily be brushed aside, except by this government.

On 9 April last year, the minister again characterised his government's approach as, "Tell us your expectations, tell us your concerns, tell us what you want to see achieved." This sentiment is fine sounding, but does it apply in Gungahlin? The people have spoken—the community survey is a quite powerful document—and strong concerns have been expressed not only about the layout but also about pedestrian safety and about the social character and community focus of Gungahlin.

What the people want is not out of reach by any standards. The most favoured option is a pedestrian precinct and a ban on all through traffic in the Gungahlin Town Centre on the main street, that is, Hibberson Street. There might be some scope for accommodating around the edges, but we have to remember that Gungahlin has been built from scratch as a process of community consultation—it did not grow like Topsy—and there are no excuses for us not getting it right and for ignoring the views of the people who want to live there.

The community has very real traffic concerns. Some of those may be addressed—as I have been assured, Mrs Cross has been assured and the Planning and Environment Committee has been assured—by the extension of Anthony Rolfe Avenue. But this is not just about traffic. It is about good design, it is about community safety and it is about listening to the people of Gungahlin.

A government seriously committed to community consultation cannot simply pick and choose what it decides to hear. I note with interest that the Gungahlin Development Authority is currently surveying all Gungahlin households about their views on recreational needs, as I said before. They run the real risk of engendering cynicism in going through an exercise in consultation while, at the same time, blatantly flying in the face of public opinion on another issue.

Given the uncertainty on the part of the community, is it wise to proceed directly to the sale of land in the vicinity of the town centre? My motion calls on the government to recommence its consultation and, while that is happening, to hold off any sales of land, but hold off for a very short time, for six weeks. It is putting everybody on their mettle to come to the table and talk in an open and consultative way, to reach out to one another and seek an accommodation, but not hold up the important process of developing Gungahlin, which in many ways has been too slow.

I was at the blood bank the other day and one of the nurses there said, "If only we could have these facilities. We have lived in Gungahlin so long and we don't have these facilities." There is a demand out there for facilities and we have to marry those two things, but, as Ms Tucker said to me privately before we came in here, we have to be careful in suggesting this consultation that it is not seen as holding up Gungahlin for another year. That is why we have put a very strict timetable on this motion. I am calling on this government to act quickly, consultatively and expeditiously. That would put a great deal of emphasis and a great deal of responsibility on the Gungahlin Community Council to come to the table in an open way.

There are many issues here. Mr Corbell, as the Planning Minister, has spoken almost romantically about the importance of planning. I think that he would really like to have a planned Utopia, but here Mr Corbell's planned Utopia has run into reality. There is a need for a viable town centre, but it has to carry with it both business and people. This is enormously inconvenient for a minister who was very big on consultation when he was an opposition spokesman and who has been very slow to act when it comes to the hard task of actually doing the consulting with the people of Gungahlin.

This minister and this government are not trying to reconcile the two, something that the previous government attempted to do. This minister has created a situation in which he is still on training wheels when it comes to dealing with the people of Gungahlin, of consulting with the people of Gungahlin, and in the process the people of Gungahlin are paying a price. I commend the motion to the house as a simple, straightforward way of dealing with the needs of the people of Gungahlin.

**MRS BURKE (7.45):** I seem to remember Mr Corbell once being a champion of Gungahlin—nay, perhaps I should say that he was the champion of Gungahlin—but it would seem that that is no longer the case, which does disappoint me rather. Two things happened; he moved away from the area and he got into government. In his elevated position, on which I do sincerely congratulate him, obviously, he has, sadly, forgotten the people of Gungahlin; the past truly is another country.

Minister, doesn't it trouble you that the people of Gungahlin feel not only let down, but also betrayed, even hoodwinked perhaps? I know that it would trouble me and I am sure that it must be bothering you. They actually believed in the slogan of planning for the people. I must say that I for one, during the election campaign and on hearing you talk, truly believed that this was Labor's serious and sincere intention. How wrong or perhaps naive was I and how wrong were other people?

I am wondering why the barrow that was pushed so hard by Labor before the last election in relation to neighbourhood planning does not seem to apply now to Gungahlin. How come? People actually believed in the virtues of public consultation, one which was rammed down the former Liberal government's throat hard and often. Even the Gungahlin Equality Party, whose members, I note, are sitting in the public arena and whose presence I welcome, which was once cosying up to the ALP, now describes the consultation process as nothing more than an elaborate and expensive pretending sham.

19 February 2003

Mr Speaker, what the people clearly want is not what the minister wants. Why won't the minister listen to the community? Why aren't you listening, Minister? Which brings me to ask: how accessible and available is the Minister for Planning? Not very, sadly, if what I hear coming from the people of Gungahlin and its community council is true. I am told most reliably by many that Mr Corbell has not met with nor attended a meeting directly to discuss the planning of the town centre with the Gungahlin Community Council. That is a sad reflection of just how you have lost touch with the people, Minister. I would say that it is a leaf right out of the Paul Keating book on politics; if they don't agree with you, just ignore them.

In most cities round the world the trend is for street closures in favour of pedestrian malls. To quote Mr Corbell from his spatial plan documentation, "Planning is about people and where they live. It needs to involve those same people." I totally agree, but it does not seem to apply in Gungahlin. What do we have instead? A major shopping centre being planned, with a major road smack bang through the middle. Thanks for the traffic!

With the shopping centre nowhere near completion and with much more residential and business development still to come, there is already a serious threat to safety. A big concern I have is the crisscrossing of roads in a pattern which I can only say does not bode well for pedestrians with shopping carts, babies in prams and the like. Is this the promised planning for the people of Gungahlin? Is this the process that listens to people? I don't think so.

There is at this time, I believe, still the opportunity for the minister to listen to the ideas and preferences of the people of Gungahlin and have a reconfiguration, as has been well suggested, of sections 13, 14 and 37. Why is the government so blinkered and simply telling the community what they will get, instead of asking them what they want? This is government heavy-handedness at its insensitive worst. The harsh reality is that the message being received by the residents of Gungahlin is that they are second class and the government is not listening to them.

Mr Speaker, this Assembly needs to make this Labor government understand that it is its duty to listen to the people of Gungahlin—not just Gungahlin, to the people of Canberra. I remind you, Mr Corbell, that you did say in this place today in relation to the bushfire crisis, but it does pertain to other areas, I am sure, that what we need is collaboration and communication on certain issues. I agree with that, Mr Corbell. I am sure that you would not disagree that this strategy should be endorsed across all areas within our community. The taxpayers should have some say. Please listen to your own words. Please listen to the Gungahlin community.

**MR CORBELL** (Minister for Health and Minister for Planning) (7.50): Mr Speaker, the planning for the Gungahlin Town Centre has been one of the most extensive and comprehensive community consultation processes conducted since self-government. It has been a process conducted not only by previous Labor administrations, but also by previous Liberal administrations and is an ongoing process. Before Mrs Burke stands up again and criticises the grid pattern of streets in Gungahlin, she might like to check with her colleague the Leader of the Opposition about when he was Minister for Planning, with the senator-elect for the ACT, Mr Humphries, about when he was Minister for Planning and with Mr Wood about when he was Minister for Planning.



All those governments accepted the street-based retailing model for Gungahlin that the people said they wanted. That was not some dim, dark, past, distant consultation. Last year and the year before that the Gungahlin Development Authority conducted a series of comprehensive opinion polls and community surveys to ascertain that the directions being undertaken by the Gungahlin Development Authority in the implementation of the development of the town centre were still consistent with community expectations.

That was an extensive polling and community survey process and it overwhelmingly found that the community supports a street-based retail system of shopping, rather than enclosed malls or enclosed public places. That is what the comprehensive, independent and professional community surveying found. Because one organisation has conducted an unprofessional, non-scientific, non-rigorous, self-initiated poll that shows 800 residents have a particular view about a particular matter, over the 3,000 that were professionally polled last year and the year before that, is that a reason to turn our back on everything that has been developed to date? No, it isn't and this government won't do it. It is not rigorous and it is not a good way to make policy.

Yes, there are concerns about traffic. The reason for that is that the street network for the Gungahlin Town Centre has not been completely built. In fact, it has hardly been built. Flemington Road, which becomes Hibberson Street as it goes past the town centre, is the only unimpeded road in and out of Gungahlin, particularly given the extensive construction activity on the Barton Highway in the past 18 months. Because of that, many Gungahlin residents have logically chosen to use Hibberson Street and the Flemington Road extension to leave Gungahlin in the morning and return in the evening. Because of that, there are very high traffic volumes along that road. Because of that, there is a clashing of traffic and pedestrians under the existing arrangements and there are legitimate concerns about safety.

There have not been any accidents to date. Nevertheless, there are legitimate concerns about safety. But is that an argument to completely change the planning for the Gungahlin Town Centre, to build a town square bigger than the Woden Town Square, or is it an argument to logically respond to the issue that we are facing? The government's view is that the best way to address this issue is to ensure that the road network is expanded to address the traffic issue in accordance with the plan and that is what the government, through the Gungahlin Development Authority, is doing.

The extension of Anthony Rolfe Avenue will be completed by April this year. The extension of Anthony Rolfe Avenue will ensure that traffic that is using the Flemington Road extension will not have to go past the front of the town centre, but instead diverts around it, addressing the concern that people have about the impact and the mixing of large volumes of traffic and pedestrians in the town centre. That is a reasonable response to the issue that has been legitimately raised about traffic.

19 February 2003

I want to raise an issue about the survey that members are relying upon to assert that the GDA and the government are not listening to the people of Gungahlin. I am advised that that survey was composed of an on-line survey which people could go to and indicate their response—it was not a scientific sample; it was self-initiated—and, secondly, that it was composed of surveying done face-to-face in the Gungahlin marketplace. The question asked was, “Are you concerned about traffic in the Gungahlin Town Centre?” Not surprisingly, people said yes. What has happened, though, is that those promoting the survey have then drawn the connection to say that, because people are concerned about traffic, it is an argument for a town square. That, quite frankly, is dishonest and, again, is not a reason to change the planning for the town centre.

The Gungahlin Development Authority undertakes extensive community consultation and surveying. There probably has not been one instance in the past five years that the GDA has not been represented at regular monthly meetings of the Gungahlin Community Council. The Gungahlin Community Council has a representative on the board of the Gungahlin Development Authority. Other Gungahlin residents are represented on the board of the Gungahlin Development Authority. Community interests in Gungahlin are represented on the board of the Gungahlin Development Authority. It is the most representative board we have of any statutory authority in the ACT, and the GDA will be continuing the consultation process.

For Mrs Dunne to assert that the GDA needs to recommence consultations is, I think, insulting, because this organisation engages with the community on an ongoing basis, in the ways I have already outlined. Also, within the next couple of months, it will be conducting a series of community forums on people’s expectations and views about the town centre. It is an organisation responsive to the issues that are being raised and it is not afraid to engage in forums to hear those views.

I come to the final point of my argument against this motion. The suggestion is that we delay potential land release in Gungahlin whilst we recommence, to use Mrs Dunne’s words, consultations. Mr Speaker, to delay would be to delay jobs, would be to delay services, would be to jeopardise confidence from investors in building in the Gungahlin town centre, and would be to delay the further construction of the most important town centre we have under our responsibility at the moment in terms of its development.

The sort of development we are looking at announcing very shortly for the Gungahlin town centre includes a major department store, additional supermarket facilities, additional residential development to bring people into the town centre to live there, and additional speciality shops. I am not going to go out to the community of Gungahlin and say that we are putting all that on hold because a few people want to look at this issue a bit more, because the survey—

**Mrs Dunne:** You could catch that up in the planning process if you wanted to.

**MR CORBELL:** I listened to you in silence, Mrs Dunne, and I would ask you to show me the same courtesy. Mr Speaker, the surveys, professionally conducted with a clear and appropriate scientific sample, show that what Gungahlin people really want above everything else when it comes to the town centre is for the government to get on with it, to build it, and to provide more shops, more services, more facilities and more jobs. I am amazed that members of this place should argue against such a proposition. The government will not be supporting this motion, nor will we abide by it if it is passed today.

**MRS CROSS (8.00):** I rise today to support the motion by Mrs Dunne calling on the Minister for Planning, Mr Corbell, to immediately recommence consultations with the Gungahlin community over the design and layout of the Gungahlin Town Centre, particularly pertaining to a pedestrian precinct and town square.

I start off by saying that today Mr Wood tabled a document which was, in fact, a petition but which could not be tabled as a proper petition because the wording was not appropriate, but the document had 1,131 signatures on it and the people who signed this document signed the following:

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

There is support for changing the design of the Gungahlin Town Centre (central retail area) from the existing "main street" model to a "pedestrian town square model".

Changes should include:

Stopping the traffic flow through the main street (Hibberson Street) in the vicinity of the town square;

Creating a pedestrian town square (about the size of Garema Place) located adjacent to the bank;

Modifying Hibberson Street to allow for the traffic to make a "U" turn either side of the town square.

Your petitioners therefore request the Assembly:

To take action to halt or defer any sale of land or any other actions that may prevent the town square option.

I did not conduct an IQ test of the people who signed this document.

**Mrs Dunne:** Why not? It wasn't scientific.

**MRS CROSS:** Had I known, I should have. But 1,131 people signed this petition in good faith because they had a concern. I am not going to criticise personally the GDA or the minister. I think that everyone in this place is well-intentioned and is trying to do the right thing. But I certainly will not say that, under a democratic process, the views of 1,131 people are insignificant because the way they were approached was not scientific. I think that is absolute hogwash.

19 February 2003

Mr Speaker, one of more outstanding characteristics of Canberra is its planning process. We need only to look at the inner city urban sprawl of other Australian cities to see how our special and unique history of planning has given us the wonderful city in which we now live. Through my work on the Planning and Environment Committee and other planning issues in which I have been involved in the past, I think I understand a little bit what may have precipitated what appears to be a clumsy move by the Planning Minister.

Perhaps a quick recap of the chronology of the pedestrian precinct town square for Gungahlin would be appropriate at this time. Late in 2001, the Flemington Road extension opened through to Hibberson Street, resulting in through traffic to and from Mitchell. It is estimated that there are 5,500 traffic movements every day. The community was immediately concerned about the volume of traffic and heavy vehicles going through the town centre.

Early in 2002, speed limits were reduced to 40 kilometres per hour along Hibberson Street in an attempt to alleviate traffic problems. In March 2002, the then Gungahlin Equality Party publicly announced the Gungahlin Development Authority's draft plans to redirect Anthony Rolfe Avenue into Hibberson Street. Mr Speaker, allow me to read this excerpt from the GEP's media release of 27 March last year:

In draft plans (publicly available on their web site) the Gungahlin Development Authority are advocating that Anthony Rolfe Avenue should be redirected from its current proposed alignment to funnel yet more traffic from Wurrabei and Gundaroo Drives straight through to Hibberson Street. Their stated rationale is that doing so is required to "derive as much energy as possible to support the Main Street".

Unfortunately it appears that the traffic figures used to support their case may be severely under-estimated. It is stated that at full development, Hibberson Street will only carry a maximum of 10,000 vehicles, and yet shortly after the Flemington Road Extension was opened late last year there were already 5,500 traffic movements with only 20 per cent of the Gungahlin region development complete.

The release continued.

The Flemington Road Extension was yet another example of a planning issue that (intentionally or not) occurred by stealth, with minimal community consultation, and little regard for the ultimate consequences. On the Territory Plan, the Flemington Road Extension should have connected with The Valley Avenue. Instead, we see this road connect with Hibberson Street, running directly in front of the Gungahlin Marketplace. Even with the 40 km/h zone in front of the marketplace, cars and heavy vehicles can often be seen speeding down Hibberson Street, or, taking the "shortcut" around the back past the Library and the Gungahlin Resources Centre. At peak times, traffic is backed up considerable distances.

Mr Speaker, due to intense media attention, plans for this redirection were scrapped by the GDA. Following this, heavy vehicles over six tonnes were prohibited from using the Flemington Road extension in yet another attempt to alleviate traffic problems.

By late April 2002, Artcraft Research, which is an independent consultancy firm, conducted a consultation session with the Gungahlin Community Council, otherwise known as the GCC. The GCC strongly expressed concerns about the volume of traffic on Hibberson Street, but this point was not reflected in the final report.

In May 2002, the equality party formed an internal working group whose task it was to come up with a sensible and workable solution that would be acceptable to the community, addressing the traffic problems in the Gungahlin Town Centre. On 24 May 2002, a document titled "The Town Square Proposal for Gungahlin Town Centre" was sent to the Minister for Planning, as well as the CEO of the GDA, the executive director of PALM and the Gungahlin Community Council.

On 26 June 2002, a response was received from the Gungahlin Development Authority, stating that they would consider the town square proposal. The minutes of the meeting of the GDA held on 27 June noted the receipt of the Gungahlin Equality Party proposal. I quote from page 3:

Members agree to:

Participate in the Gungahlin Community Council Workshop on the issue.

Ensure that there is substantial PALM input in the workshop, and any response to the GEP.

Arrange a GDA forum on "Town Centre Planning".

Bring forward a paper to next meeting on communication issues.

The GEP has never received any response in writing from the GDA in regard to the proposal, other than the letter of 26 June 2002, written the day before the meeting.

In late June 2002, the GEP undertook an informal doorstep survey at the Gungahlin marketplace to gain public opinion for a pedestrian precinct town square. The survey received support from 90 per cent of those questioned. On 10 July last year, the GCC endorsed its own community survey, which included the pedestrian precinct town square option for Gungahlin as one of many questions. In August 2002, the GCC survey was published and distributed in their newsletter, called "Gunsmoke", to 9,100 households.

The next month, September, the GDA expressed their vision for the town centre at a meeting with the community council. Mr Speaker, I am told that the Gungahlin Equality Party was ridiculed. The GDA admitted that the bulk of consultation had occurred between 1993 and 1995 and that the GDA knew what was best for Gungahlin because they had engaged professionals. The GDA insists that it was a workshop, but my information is that it was merely a presentation with no input.

In September 2002, the GDA/Artcraft survey results were made available to the public. It was noted by many community members that pertinent comments that they had written on survey forms had not been reflected or recorded in the report, especially in support of a pedestrian precinct town square concept. In November, the GCC survey results were published. Of the responses received, 91 per cent supported the concept of a pedestrian precinct. That was followed by intense media coverage.

19 February 2003

In December, information came to the surface that the GDA was going to press ahead at its next board meeting with the release of blocks 13 and 14. The GCC started a community support campaign which involved a special edition of “Gunsmoke”, letters to the Chief Minister, a petition and an email campaign. (*Extension of time granted.*)

In summary, whilst it is true that extensive consultation occurred in the early and mid-1990s, it must be remembered that the population then was approximately 2,000 to 2,500 residents. The current population is now in excess of 20,000 and the people of Gungahlin are not happy with the current outcome. The community wishes to address the issues of traffic flow in the town centre by the introduction of a pedestrian precinct and town square while it is still possible and blocks 13 and 14 have not yet been sold. Once those blocks are sold, the opportunity to change traffic flow will be gone.

Mr Speaker, the original plans for the town centre in the early 1990s—an impression that the community was originally given of a streetscape of only minimal traffic—have been subverted over time to a street with high volumes of traffic in proportion to the width of the street. This situation is perceived as unattractive, unfriendly and, most importantly, unsafe by the community. There is also a general feeling in the community that it is going to take a serious injury or even a fatality before the problem is properly resolved, more out of a knee-jerk reaction than good planning.

It seems that it was only after the opening of the Flemington Road extension, which, as I said earlier, was originally meant to meet with The Valley Avenue and not Hibberston Street, according to the Territory Plan, that the amount of through traffic became a significant issue. The claims that the traffic issue will be magically alleviated by the completion of Anthony Rolfe Avenue are a little misleading. It will only carry a portion of the town centre traffic, which will, once again, increase across the available road network as the population in the Gungahlin region increases.

It appears that for the past 18 months numerous Gungahlin residents have had serious concerns about the Gungahlin Development Authority. They say that the GDA has become increasingly—these are their words—“arrogant” and “refuses to listen to the concerns of the community”. Whilst the GDA claims to engage in consultation, residents say that it has become increasingly apparent that it is paying lip-service to such consultation, instead pressing ahead with its own agenda.

It appears that this perceived arrogance is now being supported by the government in general and, more recently, by Minister Corbell. Minister, there does appear to be a flaw in this consultation process which I believe warrants a review and which the people of Gungahlin deserve as a matter of course. I support Mrs Dunne in her motion.

**MS TUCKER** (8.13): The underlying questions here are ones of collaboration and how the ACT government has worked or not worked with community organisations in Gungahlin. I understand that planners often believe that they have a good sense of community expectation and then are confident that they have put together a design which addresses expressed concerns and which ought to meet, as best it could, those expectations.

It is, nonetheless, both fascinating and frustrating that three-quarters of the way down the path some variance and division can emerge and some new or old idea becomes the currency. In this case, the notion of a civic square for Gungahlin has become popular, both as a nominal site for community identity—a sort of Garema Place—and as a solution to what is undoubtedly an immediate traffic issue.

There are some interesting questions regarding the status of organisations such as the Gungahlin Development Authority and the Gungahlin Community Council. There are also some questions as to the status of Gungahlin Community Council representatives—or is that nominees?—on the authority and what is and is not appropriate for them to pass on to their council and community. It seems that the role of the council, both for this government and for the previous Liberal government, is as a squeaky wheel, but not in the end as an organisation with any recognised influence or role in decision making.

The key question that Mrs Dunne's motion is asking us to confront is whether we should put a hold on development in order to process this issue further. By the way, I do have to say that I think that it is a little bit ironic to see this motion coming from the Liberals, because in the years I have been a member of this Assembly I have put up many motions like this one which were vigorously rejected by the Liberals.

**Mrs Dunne:** Not by me.

**MS TUCKER:** Not by you, Mrs Dunne, but by the person you were working with. Maybe you did not have any influence on him; I do not know. But it is interesting to see how the Liberals have changed their position—maybe not Mrs Dunne. Maybe Mrs Dunne always thought that my motions should have been supported, but she was overridden by Mr Humphries. That could have been the case.

Getting back to the point, the question that we need to answer is whether the current enthusiasm for a square is simply based on the inadequacy of the current temporary arrangement, for example, and whether the notion of main street development with active street frontages, as embraced by the GDA, really reflects the kind of civic environment that people would enjoy or whether it is more simply a passing fashion.

In that context, the fact that this town development is attracting interest round Australia, insofar as it seeks to promote pedestrian activity, safety and amenity through design, is worthy of note. I note that in none of the media coverage or the government's or community council's comments have these underlying issues been addressed in much detail. I have thought right from the beginning that the fact that the Gungahlin community did not want a mall was interesting, and it still is, and I have a lot of sympathy with that view.

I note that this motion calls on the government to resume consultation. The GDA would argue that it has always been in consultation and would point to a wide-ranging professional survey of 2,000 Gungahlin residents conducted over the past two years as the most recent example of that. Still, I have heard that calls for a town square or something similar were overlooked in that process, too. Mrs Cross just went into some detail to explain some of the concerns that have been expressed to her on this point. I have certainly heard those concerns expressed as well.

*19 February 2003*

I am a little concerned about the way in which the town square campaign has been conducted. The council's website, for example, asks visitors to choose between the current temporary traffic arrangement that channels all through traffic past the supermarket and a town square proposal. There is also no clear indication of the scale. I was surprised to learn that the proposed square, as marked on their maps, would be 110 by 150 metres, which is more than six times the size of Garema Place.

The usual approach to shopping centre development in this country, although it is now going out of favour, is to build inward-looking malls that can deliver shoppers in cars to a controlled environment. As I understand it, the GDA, the Gungahlin Community Council and, indeed, the majority of Gungahlin residents are looking for another model. They are not wanting to move right away from the original model that came out of the consultation. However, they want to develop a retail and civic precinct with a real focus on encouraging pedestrian access and street activity and that does require a greater commitment to design and a more rigorous tender process than a simple mall model and perhaps the model that is there now.

This motion should not have to mean a long delay. I do not think that in the end the issue is about having a town square. It is about the current and future traffic arrangements and high-quality pedestrian precincts on the one hand and how much people believe they have been heard and their concerns addressed on the other. Whilst I appreciate the need to proceed with development promptly, it would seem judicious to try once again to address the issue in an open and collaborative manner first. I trust the issues of traffic load and pedestrian amenity can be resolved without needing to recast the town plan or call for new tenders.

The Gungahlin residents have had a pretty rough time in lots of ways. If this sentiment is being expressed by so many people in Gungahlin, even if the government sincerely believes that it is misguided in some way, I think that the government does need to pay respect to those people and take extra time to sort out any misunderstandings and look at the issues. It is not going to make a huge difference in terms of development. If it makes some difference but the result is better in the long term for the Gungahlin community, it would be worth it. Once this development is completed, we will be stuck with it, obviously, for a very long time. I am supporting Mrs Dunne's motion. I think that it is adding something important to the current process.

**MS DUNDAS (8.20):** Mr Speaker, the recent controversy over planning proposals for the Gungahlin Town Centre brings into focus the continuing community concern over the inadequate interaction between the government and residents over planning decisions. We have had much discussion already tonight about the campaign by some residents of Gungahlin to register their protest at the low levels of community input to the development of the Gungahlin Town Centre.



This debate has highlighted the scarce nature of the information and education that the government has been providing to the people of Gungahlin. The planned changes in traffic conditions with the completion of Anthony Rolfe Avenue and the programmed release of blocks with an active edge to promote continued commercial growth are poorly understood by residents. This deficiency in communication spotlights the lack of input the Gungahlin community have to the future shape and form of their town centre. The government will say that there has been ongoing consultation, but there is still so much misinformation in the community. How effective has this consultation been?

Gungahlin has had a much slower and more drawn out development than our other town centres. Whilst Belconnen, Woden and Tuggeranong had high-intensity building phases over a short period, Gungahlin has been on our maps for 10 years and only a quarter of the original planned area has been developed. In addition, the refusal of both federal and territory governments to locate significant employment opportunities in the Gungahlin Town Centre has hampered its development.

This significantly different pattern of development for Gungahlin and major changes in planning ideas since other town centres were developed mean that the significance of community input and information is now more important than ever. The slower development of the town centre and the changing demographics of the area mean that the initial consultations have quickly become dated and there is a need to initiate a new process that can incorporate the unique characteristics of the area as it now stands.

The government has initiated a new neighbourhood planning process for high development areas in the city centre, but no such attention has been extended to the future shape of Gungahlin. These questions were raised at the beginning of the neighbourhood planning process. Why not take the neighbourhood planning process to an area which was being planned and developed and would benefit greatly from the government's ideals about people being involved in planning? A new consultation process should incorporate ongoing consultation into its structure and not be a stop and start system.

This debate also represents a wider malaise with the planning process whereby resident groups continue to bemoan the lack of meaningful dialogue between the government and those affected by the planning process. Community consultation is not a formality that governments can scuttle through before making a preplanned decision. Consultation is and should be about giving communities an informed and educated voice in the decision-making process.

It is not the job of a planning system only to have input from professional planners. Planning for Gungahlin and the rest of the city is about trying to turn the needs and desires of the people of the community into a vision for the future of their community. The process should not be a top-down approach whereby governments or bureaucracies tell people what is good for them. Instead, it should be a collaboration between government and Gungahlin residents to tap into grassroots ideas and develop them through a fair and balanced planning process.

19 February 2003

A good planning system involves public participation in decision making, leading not only to outcomes in which the people of Gungahlin will have confidence, but also a system that the public feel that they own and have contributed to. Ineffective and rushed consultation will not improve the community's involvement or access to information. It could be open to heavy criticism, like previous consultations. I would like to see an informed and ongoing consultation process, with sufficient time and resources to work together with the community to produce a real and meaningful outcome.

Consultation is not a process with a predetermined outcome in mind. Unfortunately, that is what we see through levels of government consultation. I really hope that consultation will go well beyond the placement of a particular road or the release of one or two sections of commercial land. A good consultation process is one which is ongoing and takes an approach to the issues, including social, environmental and economic concerns.

I did have some initial concerns about this notion, especially the desire to have the government take no further action to implement its plan until the renewed consultation is reported on by the first sitting day in April; but, as I have said, I believe that consultation should be an ongoing process and I would expect that consultation would not stop on the first sitting day in April, but we would just get a report on how progress had gone in the intervening six weeks.

This motion does not say that the government should scrap all current plans and build a pedestrian precinct. It calls on the government to have a greater consultation process and recognise that, whatever went before, at this point in time people are not happy and would like to be given information, provide information back and feel that what they are saying is being heard and their concerns, whether they are then taken on board or not, are at least being considered.

Unfortunately, this debate has moved to a prejudging of what would be the result of those consultations. Again, that is not what consultation is about. We should take the time to undertake a thorough process as to where the current community of Gungahlin is at this point in time and what they see the future of their town centre to be.

The last point I would like to make is that I am very concerned with the comment by the minister in his speech that even if this motion is passed he will ignore it anyway. I really do question this government's attitude towards the Assembly. The Assembly has a greater role than just picking a chief minister. We have a role to oversee a whole array of activities. By continuing to ignore the calls of the members of this Assembly who represent—

**Mr Corbell:** On this issue, you are wrong; it's that simple.

**MS DUNDAS:** If the minister is so confident with his consultation process to date, it should not be hard for him to adopt this motion. If consultation was truly working in terms of being a two-way dialogue, not a one-way dialogue, we would not have the concerns put to us in such a way. If the consultation process is working, step it up a bit, provide the information and let people tell you what it is that they want for their town centre. But I urge the minister and the government not to ignore this Assembly. We will not tolerate that. It is not what we are here to do. We are here to be part of the future of the ACT. We represent a very diverse population out there and continued attacks by this government on this parliament would be very much of concern.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Arts and Heritage and Minister for Police and Emergency Services) (8.28): Ms Dundas said “these things take time” and talked about “if consultation was working”. These things have taken time, and I contend that consultation has been working and continues to work.

I was the first minister who carried forward this project. The actual site that was settled on at that time has been somewhat changed, but the concepts were developed quite some time ago, and they needed to be. With large projects, as this is, a considerable lead time is necessary. There is immense danger if at subsequent times we make sudden fairly drastic variations, and this can be seen in planning areas everywhere.

This process began about 1993 or 1994 when I was planning minister and we were looking way ahead into Gungahlin. The very first consultation—strangely, perhaps, but at that stage there was not much population in Gungahlin—took place in the southside community hall where 100 people came to tell us their ideas about a town centre. Although some of these people were from Gungahlin, most were from Palmerston. These people had ideas about the sort of town centre they wanted. In that consultation and subsequently the clear message came through that “We do not want another mall, thank you. We want something different.”

That is where this process began. The concept came before this Assembly and was considered by the then Standing Committee on Planning and Environment who supported it as it was developed. The Greens supported it. It wasn't Kerrie Tucker but that very nice person Lucy Horodny who signed off on the concept that is now being developed. She was happy with it. I see that my colleague, Mr Berry, supported the notion. There are a few of us oldies around who remember it.

**MR SPEAKER:** Enough of the “old”.

**MR WOOD:** I am pleased that some people have a better memory than I have.

There has been a long process of discussion and consultation. I actually went out onto the site—I have forgotten the date but I still have the picture somewhere at home of my looking out over the grasslands towards where the site is now, saying, “This will be the site.” We found some legless lizards on that spot, so it got shoved over a bit further.

**Ms Dundas:** Was that the Greens as well?

**Mrs Dunne:** No, it was the Liberal Party who did that. We shifted it.

**MR WOOD:** Yes, you shifted it. I think Trevor Kaine was still in the Liberal Party then. The Liberal Party signed off on this, through the Assembly process. Do you know who else signed off on it? Let me quote from paragraph 21 of the Planning and Environment Committee's report dated 5 December 1995—I know time gets away from us. Guess who else signed off on it? Paragraph 21 states:

In coming to a conclusion about the draft Variation, the committee is conscious of the call by the Gungahlin Community council—on behalf of the residents of Gungahlin—for the committee “to put an end to the uncertainty surrounding the Town Centre” by endorsing the draft Variation as the necessary preliminary step to the Government being in a position to commence work as soon as possible.

The Gungahlin Community Council supported it. They supported the concept that Mr Corbell is now taking through. We consulted with the Gungahlin Community Council. But let me emphasise that these things need a great lead time. You just cannot keep changing direction—I am sorry; you just cannot.

The concept was taken through and carefully examined. I get a bit offended—I won't use an offensive term here—when certain people, who have had a later involvement, accuse us of not consulting and not listening. The consultation in this case has been as well carried out as consultation in any other case that has gone through this Assembly. That is the case, as simple as that.

Some other views are now coming forward. Okay, it is fair enough that other views should come forward, but do not accuse Mr Corbell or anybody else of not consulting. There has been very thorough consultation by Mrs Dunne's people as well. Make your comments but do not be sanctimonious and say that we are not consulting, because that won't wash.

**Mrs Burke:** Well, why are the people saying you are not?

**MR WOOD:** You should be educated about this whole story. The fact is there are now 25,000 people in Gungahlin and most of those 25,000 people do not know the background. There is no doubt about that and that is to be expected. Certain decisions were made in the past in consultation with the then council. Of course the residents do not know. People do not switch in and intensely listen to the debate; of course they do not know. But I think we ought to stand up for what has happened.

Let me read something else. A lot of the concern, understandably, is about roads. That has been understood and there is a long-term plan to do something better about it, and that will happen as the centre develops. The quote reads:

The network of north south east west boulevards in the Central Area are not arterial roads and are completely different in scale and quality to Northbourne Avenue and other arterial roads in Canberra ...

Okay. That is the way it has been designed. The quote continues:

They are designed for slow speed and are to be densely planted in a formal pattern. The boulevards will have generous verges and medians and high pedestrian comfort and amenity, making them highly compatible with mixed use developments. Side streets are proposed which provide access to development fronting the boulevard as well as separation of development and the central carriageways ...

The boulevards provide a legible connection of the Town Centre to Mitchell and contain a reserve for inter-town public transport. Due to their design and high amenity they are intended to provide a focus of high density mixed use communities oriented to public transport ...

It has been designed as a friendly, happy place for people—an urban village where they can walk around, where public transport works. I do not have time to read out what has been written about solar orientation, facing and maximising the sun. It has been carefully designed.

Please give credit for that. Give credit that we have spoken to the previous Gungahlin Community Council. We have done that. Perhaps we need to get out there a bit more and say, “Look, here is where we have been.” But it is the case it has been carefully done and it is a good product.

**MRS DUNNE** (8.37), in reply: I thank members for their contribution tonight. I would like to just quickly have a look at what might be the take-home messages for the Labor Party in this debate.

**Mr Wood:** And what about your take-home messages?

**MRS DUNNE:** I can take messages as well. I would like to touch on and reinforce some of the things that have been said during the debate. Mrs Cross, Ms Tucker and Ms Dundas have all talked about collaboration, about how this is a collaborative process. Notwithstanding that, we have been confronted by a pair of fairly belligerent ministers. They are very testy and I just wonder what is so precious that suddenly there has to be this level of testiness.

Today Mr Wood has created a straw man. He stood here and said that this proposal and this motion throws out in one fell swoop nearly 10 years of planning. Mr Speaker, this is rubbish. We are all aware of the planning that has gone on over this. Many of us have been watching closely in a variety of places and a variety of ways and we know what has happened. We know that there has been extensive consultation. The principal message we are still hearing today is that the people of Gungahlin have said that they do not want a mall, and there are a lot of reasons for that.

We should look at the planning that is going ahead and the planning that is being suggested by the Gungahlin Community Council. Really, what we are seeing could be characterised as tinkering at the edges. But the essential concept of street-based shopping, with an active shop frontage, will not be changed. If we went out tomorrow and built the proposal put forward by the Gungahlin Community Council, we would still have all of that. We are not throwing out 10 years of planning. For Mr Wood to stand up here and wave around the report of the Planning and Environment Committee, circa 1995, and say, "This is what we are planning to do," is rubbish and duplicitous. It is not fair to the people of Gungahlin that you would do that. I ask: why are you so sensitive and why are you so afraid of consultation?

The take-home message today for this minister and this government is be collaborative, be a little bit generously spirited and look at what has been said. Interestingly enough, the first meeting took place at the Southside Community Centre—you could not even have one in the north when probably 1,000 people lived in Palmerston. While the basic thrust of that consultation may still be valid, it is outdated. No-one has a problem with saying, "Well, this is what we thought, but as the community has grown and as 9,000 households receive our newsletter and we have sparked debate on these things, perhaps there is room for tinkering at the edges." And this, Mr Speaker, is what we are talking about—that there should be just a little bit of modification, just a little bit of collaboration, just a little bit of give and take on both sides in this debate.

It is a low day for the Labor Party when we come into this place and hear this minister in his hectoring style tapping the table and gesticulating and counting off how many people have been consulted. He thinks "If I hector enough I will have my way." If he cannot have his way by hectoring, he will have the audacity to come in here and say, "Well, I can see I'm going to go down on this, but I don't care. We are going to oppose it and even if you vote for it we will not abide by the motion of this place"—the place where we come together as the elected representatives of the people of Canberra and the people of Gungahlin. Mrs Burke represents the people of Gungahlin, I represent the people of Nicholls, Mrs Cross, Ms Dundas and Ms Tucker represent the people of Gungahlin, and you stand here and say, "We don't care—"

**Mr Corbell:** I represent the people of Gungahlin, too. Ms Gallagher represents the people of Gungahlin, Mr Quinlan represents the people of Gungahlin.

**MRS DUNNE:** You supposedly do as well. But you don't care what the majority of this place says. You are saying, "We will flout what this place says." This is a low day for this government and they should hang their heads in shame. This is a low day when you can say, by way of interjection to Ms Dundas, "You are wrong, you are wrong. I, Simon Corbell, the fountain of all wisdom, know everything."

What we are asking to be accepted here is collaboration and consultation. Mr Corbell stands with his hands in his pockets and postures, as he does—he does it very well; it is all very well scripted—and says, "Ours is comprehensive, ours is scientific and yours isn't, so yah boo, sucks." Get a life Mr Corbell. This is not how you run consultation in this town. This is an intelligent community which wants to be treated like an intelligent community. People do not want an arrogant minister to stand here and say, "I'm right and you're wrong, ner, ner ner." This is the quality of the debate that we have had from this minister tonight.

I commend the members of the crossbenches for their support of this important motion. I think this is a very sad day. Having brought forward a straightforward motion that calls for collaboration, cooperation and planning with the people and for the people, this minister, who has always been the arch priest of planning and consultation, has shown what his real colours are.

Question put:

The Assembly voted—

Ayes, 8

Noes, 7

Ms Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Stefaniak	Mr Corbell	Mr Wood
Mrs Cross	Ms Tucker	Ms Gallagher	
Ms Dundas		Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

Question so resolved in the affirmative.

## **Iraq**

**MS TUCKER** (8.47): I move:

That this Assembly calls on the Australian Government to:

- (1) oppose the proposed war on Iraq and to withdraw our troops from the Middle East immediately for the reason that:
  - (a) there is no clear evidence that Iraq poses an immediate threat to Australia or our allies;
  - (b) it sets a precedent for pre-emptive military actions throughout the world;
  - (c) it serves the interests of the promoters and organisers of global terrorism;
  - (d) it represents the abandonment of fifty years commitment to the rule of law at an international level;
  - (e) it is likely to further destabilise the Middle East;
  - (f) it will damage Australia's relations with our immediate region;
  - (g) it will result in the death and injury of civilians;
  - (h) it will devastate the natural environment; and
  - (i) it will directly and indirectly impact on the health and well being of the Canberra community;
- (2) and calls on the Australian Government instead to pursue a policy which includes:
  - (a) a continuing program of rigorous weapons inspections in Iraq and containment through a transition from original short term inspections to long term on site monitoring;

- (b) lifting economic sanctions on Iraq;
  - (c) pressuring the US to sign on to the International Criminal Court and then pursuing Saddam Hussein for crimes against humanity;
  - (d) punitive actions against corporations that have profited from the development of weapons of mass destruction in Iraq;
  - (e) full implementation of UN resolutions calling for the disarmament of the entire Middle East;
  - (f) full commitment to universal disarmament of all nuclear powers;
- (3) that, as a matter of extreme urgency, this resolution be forwarded to the Prime Minister, all federal politicians, the UN including the United Nations Security Council, the President of the US and the Prime Minister of the UK.

Mr Speaker, John Howard and his colleagues are prepared to commit Australia to war in Iraq with the United Kingdom and the United States. These are the only nations prepared to sacrifice their men and women to this war.

John Howard's government has already sent the troops to the area and it makes the intellectually insulting claim that this is not a deployment of troops but a pre-deployment. John Howard has not convinced the Australian community that an attack on Iraq is necessary or will achieve the stated objectives, yet he persists. He persists despite the objections from experienced military and foreign policy commentators; he persists despite the hundreds of thousands of individuals who have said no to war in Iraq; he persists despite the call of the churches to stop; he persists despite the heartfelt pleas from Vietnam veterans who explain the terrible consequences that war has had for their lives and their children's lives; he persists despite the growing number of local councils and communities calling for a stop to this war.

Every one of us will suffer if this country attacks Iraq. We will suffer because the majority of us do not want Australia to be part of this strike against Iraq. The majority of us are extremely distressed to think Australia would inflict such brutality against so many innocent civilians. The majority of us can feel the pain of the ordinary people in Iraq who are frightened for their lives—children, mothers, fathers, grandmothers, grandfathers, husbands and wives. The majority of Australians do not want to be responsible for the death or injury of these people or for the destruction of their homes or their land.

We will also all suffer because almost certainly our own region will be less stable, as will potentially be the whole world. We will suffer because our people will be fighting this war, and fighting a war has consequences for the individuals and their families, even if they survive. Right now in Belconnen Mental Health Unit there are children of Vietnam Veterans who are needing help. The intergenerational effects are well documented.



We will suffer because some of our own citizens are from the Middle East. Too many of them are already suffering as a result of John Howard's fear campaign—citizens such as children who have been victimised because of their Middle Eastern appearance or Muslim faith. We will also see many more refugees as a consequence of a destabilised world. Are Mr Howard and Mr Ruddock seriously going to imprison innocent people who have fled from our bombs? My God, what has this country come to?

Mr Speaker, war affects everyone and everyone has a right to make their opinion known to the people making the decision. We as elected representatives have a particular responsibility to represent our constituents on this matter. On 2CC Mr Cornwell smugly dismissed the whole notion of debating this issue as “the mouse roaring”. Mrs Dunne said it was a waste of time. This is indeed a startling admission from members of the Legislative Assembly as to what they think democracy is about. It is clearly not a view shared by thousands and thousands of people in Canberra. Millions of people all around the world roared last weekend. Councils and parliaments in Australia and the United States have also roared against this war. While the view that we have no role, that we are a mere mouse roaring, fits with John Howard's view of democracy, it is one which the Greens totally reject.

Even Liberals who oppose this war in the federal parliament have little opportunity to influence John Howard. We have a Prime Minister with an increasingly presidential style who chooses to ignore the people of Australia and flouts democratic process. The majority of Australians reject this. If the state and territory parliaments and councils of Australia claim to be impotent at this time and just stay silent, what hope is there? If we do not speak on this matter we will be failing in our responsibilities as elected representatives and as global citizens.

If you look through history there are many examples of injustice and brutality eventually being stopped because people were prepared to be counted against what seemed to be overwhelmingly powerful forces at the time, and that includes actions by parliaments and elected representatives at all levels.

Mr Howard has not convinced Australians because there are obvious problems with his support for an attack on Iraq. Firstly, despite all their effort, the smoking gun has not been found. There is no clear evidence that Iraq poses an immediate threat to Australia or our allies. Also, it sets a precedent for pre-emptive military actions throughout the world.

We have the scandalous situation where the leader of the United Kingdom has produced a British government dossier which was claimed to contain the latest intelligence from Iraq but which, in fact, turned out to be copied, word for word, from published sources. Entire pages were copied without acknowledgment from a PhD thesis published last year in an academic journal. The UK government even reproduced typing and grammatical mistakes made by the PhD student, Mr Al Marashi, who had no idea his work was being used in this way. Another page was copied from an article in the magazine, *Janes Intelligence Review*, the article being six years old. And Mr Howard is convinced!

*19 February 2003*

Secondly, Australians are not convinced because they believe this attack on Iraq will actually give more power and support to terrorist groups. Bin Laden has already exploited the situation in Iraq by linking it with his cause. I know from my own personal conversations with people from Muslim countries that they are concerned about John Howard's fear campaign because it can drive people to seek protection and support from terrorist and extremist groups.

Thirdly, it represents the abandonment of 50 years commitment to the rule of law at an international level. This is because unilateral action by the United States contravenes the intention and role of the United Nations. Even existing Security Council support is the result of the United States pressure.

We see the United States using its exceptional economic and military power to ride roughshod over carefully structured and agreed to processes which are aimed at preventing global war. It is putting at risk, in a serious way, global security. The United States, United Kingdom and, shamefully, Australia have manipulated the debate to the farcical point where they now tell us the United Nations will be undermined if we do not support the US position. To the contrary, the United Nations is being undermined by these countries.

Australians are also not convinced that this attack on Iraq will not create ongoing civil war in Iraq and destabilise the whole Middle East. It is also obvious that it has the potential to damage Australia's relations within our immediate region. Indeed, it has already done so. We should be, instead, focusing on our immediate region in a respectful, collegiate and diplomatic way, not provoking our neighbours by uncritically supporting the United States in all its military commitments.

I think it also needs to be pointed out that war creates terrible environmental problems—the loss of land, the toxic load, pollution of water, the firing of oil wells creating spills and toxic smoke, and desert ecologies destroyed. This has long-term and devastating impacts. It creates scarcity and that creates misery and more refugees. You cannot separate the issue of displaced peoples and refugees from this war or any other war.

So what is it we should be doing instead? In the words of General Peter Gration, who was chief of the Australian Defence Force during the 1991 Gulf War:

Australia has no good reason for war and many against. There are better ways. There is no doubt that Saddam Hussein is a brutal dictator heading an unsavoury regime that probably does possess weapons of mass destruction and the world would be a better place if they were removed. Nevertheless there are insufficient grounds for war that is unnecessary and may lead to unpredictable and potentially dangerous consequences.

It is not in Australia's interest to take part in such a war ... I stress that this is not a call for inaction since better alternatives are available ... The war would be the first practical implementation of recently announced changes in US national security policy. This has moved from containment and deterrence to an open ended doctrine of the right to pre-emptive strike if the US perceives a threat to its global supremacy. In my view this is bad policy that strikes at the very heart of efforts to create a rules based international order and can only lead to a less stable security and a marginalised UN.

Mr Speaker, this approach is included in what I have listed in my motion. It requires that there be a continuing program of rigorous weapons inspection in Iraq and then containment through a transition from originally short-term inspections to long-term onsite monitoring.

The debate concerning Iraq's possible weapons of mass destruction and their elimination cannot be simplified to inspections versus war. In the interest of global security the debate must change to how many inspectors and how they are supported. Monitors are required in Iraq to keep the world safe. Several UN Security Council resolutions have called for this robust monitoring. Let us enforce those resolutions.

It is also important to consider the value of the economic sanctions and lift them once that evaluation has been made because it is clear that economic sanctions have been an absolute failure in achieving the stated objectives. All they have achieved is causing the death and misery of hundreds and thousands of innocent people, especially children, in Iraq. Ironically, this measure has also had the effect of further entrenching the power of Saddam Hussein.

The third point I make is the need for the United States to sign on to the International Criminal Court and then pursue Saddam Hussein for crimes against humanity. Once again, how ironic it is that Blair, Howard and Bush and now waxing lyrical about the human rights abuses in Iraq and yet do not mention the International Criminal Court. Mr Downer, in a media release of December 1999 in which he announced that Australia would ratify the statute of the International Criminal Court that was adopted at the Rome Diplomatic Conference in 1998, said:

The establishment of an effective international criminal court is a prime foreign policy goal of this government.

He spoke of Australia as having taken a significant and influential role in the negotiations leading up to the adoption of the court's statute. However, Marc Grossman, US Under Secretary for Political Affairs, remarked to the Centre for Strategic and International Studies in Washington in 2002 that "The ICC asserts jurisdiction over citizens that have not ratified the treaty. This threatens US sovereignty." So much for the United States' promotion of justice and the rule of law; so much for Australia's promotion of the International Criminal Court.

Another area where there is a deafening silence from these three men is the question of the arms trade. When the first report from Blix was presented, the United States pulled out all stops to get first access to and shut down wide dissemination of the report; particularly evidence of US and European culpability in aiding the Iraqi weapons programs dating back to before the Gulf War but covering the period of Saddam Hussein's rise and his worst crimes. The report was, however, leaked to a Berlin daily with a list of US corporations that allegedly supplied Iraq with nuclear, chemical, biological and missile technology prior to 1991. The silence on the arms trade is morally reprehensible and must be challenged.

19 February 2003

Mr Speaker, my motion calls for implementation of all UN resolutions that have called for disarmament of the entire Middle East. The motion also calls for commitment to total disarmament of all nuclear powers. The question of disarmament of the whole Middle East must be addressed. Unless this happens there will always be tension there. It is not surprising that countries object to the very unequal treatment Israel has been given over the years.

In conclusion, Mr Speaker, I want to touch on the issue of leadership. Mr Howard, Mr Blair and Mr Bush claim they are showing themselves to be leaders by pushing ahead with this war, despite widespread opposition. But this is not leadership. This is force and brutal power masquerading as leadership. They claim to be fighting for justice but cannot defend their arguments.

The majority of people are not convinced. They are distrustful of the claims of these men; they do not trust them as leaders. They want to see instead a politics where there is genuine deliberation and diplomacy, where there is genuine communication. They want to see leaders who can learn from history and who support the institutions that develop diplomatic solutions. They want leaders who see foreign policy as more than just counting to see who has the most weapons and going with them.

**MR PRATT** (9.02): Mr Speaker, I rise to condemn this motion.

**Ms MacDonald**: What a surprise.

**MR PRATT**: Don't be surprised. Think about the facts, Ms MacDonald. Mr Speaker, I have recently written about my experiences as an aid work manager in Kurdish northern Iraq in 1993 and 1994. Against the background of that wildly varying experience where the aid organisation that I was with delivered thousands of tons of humanitarian aid to about 1½ million Iraqi Kurds, I decided it was most necessary to add my voice to the debate about the Iraqi situation and in recent months I was invited to comment on the national media.

Mr Speaker, I could no longer stand to see the gross misrepresentations, sometimes delivered by well-meaning but naive people but too often delivered through politically inspired misinformation. I find myself in that position again today, needing to respond to Ms Tucker's wildly inaccurate and misrepresentative motion.

**Ms Tucker**: Yes, it has the—

**MR PRATT**: Could you listen to me in silence, Ms Tucker, as I did when you were speaking.

**Ms Tucker**: You do provoke me. You say the most ridiculous things.

**MR PRATT**: Thank you very much, Ms Tucker. Mr Speaker, my motive for speaking and certainly—

**Ms MacDonald**: Talk to the hand because—

**Ms Tucker:** You can't—

**MR SPEAKER:** Order, members! Mr Pratt has the floor.

**MR PRATT:** Are these people afraid to hear the truth? Mr Speaker, my motive for speaking and certainly for debunking the myths generated by those who purport to speak against war is that I am deeply concerned by two things. Firstly, I am deeply disturbed by the plight of Kurdish and other Iraqis who are recklessly neglected by the ignorant calling for no firm action against Iraq under any circumstances—an action which further condemns the Iraqis to suffocating and horrible oppression. Secondly, I am deeply disturbed by the frighteningly real potential for Iraqi weapons of mass destruction to fall into terrorist hands. This is a soberingly realistic scenario which has an urgency about it. It is a realism which is recklessly ignored or naively not believed by those here who seek only the easy populous way, but who in fact may be committing this country to increased dangers.

Mr Speaker, to put this debate back onto a cold, clear realistic plane, I am going to speak a little more about my personal experiences in Iraq. I left behind in 1994 hundreds of Iraqi Kurds and Arab staff who were fearful of their future. I left behind grievously wounded colleagues, Kurdish and European, deliberately shot by Saddam's commandos and agents. Saddam's people regularly infiltrated the UN safe haven to continue with their program of murdering Iraqis and killing westerners, or at least disrupting our emergency humanitarian programs.

I have spoken before in this place about the tens of thousands of Iraqi Kurdish widows, Christian and Muslim, and their children to whom my organisation provided emergency relief. This was in the towns and mountain villages, from Dohuk, through Eebil to Sulamaniya. Because of the content of the motion that has been thrust upon us, it is necessary to speak about them again.

You might remember, Ms Tucker, that I have spoken about the "Anfal" of the early 1990s and the estimated minimum 100,000 men, aged 15 to 50, rounded up in the villages and towns and dragged off by Saddam's Republican Guard Division forces and secret police to be shot like dogs and then buried somewhere, it is thought, out in the windswept great western desert.

Look at the reputable facts instead of the propaganda and you will determine that the pattern of murderous oppression was repeated over and over with the Madans and other Shia Arabs in the south and Sunni Arabs in the central provinces. Look at the facts rather than the emotional anti-western political misinformation about Iraq and you must agree that these massive crimes against humanity place Saddam in the same league as Milosevic, Pol Pot and the Hutu extremists in recent times, and Hitler and Stalin in earlier times. The great tragedy is that this state-sponsored killing has continued for 12 years, perhaps at a reduced rate thanks to some international monitoring presence. But it is going on now as I speak and it will continue down through the years. It will continue if we let it.

19 February 2003

I want to refer to a newspaper article about two very recent UN reports which starkly illustrate the magnitude of this disaster. The article points out that the former UN rapporteur for human rights and Iraq, Max Van der Stoep, found that Saddam Hussein's regime was "of an exceptionally grave character—so grave that it has few parallels in the years that have passed since World War II". The article went on to say:

Iraq is dominated by an apparatus of terror that has touched most families. US specialist Ken Pollack estimates that 1.3 million people serve in the security, police and military with another 2-4 million being informants out of a population of 23 million.

The article also stated:

In April 2002, the UN Commission on Human Rights condemned "an all-pervasive repression and oppression sustained by broad-based discrimination and terror; summary and arbitrary executions including political killings and the continued so-called clean-out of prisons, the use of rape as a political tool, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention; widespread systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment".

That is not a right-wing or a left-wing think tank report. It is a UN report. How much more evidence do people need that the Saddam disaster is just about the most pressing problem in the world right now? How can you not see that? How can you continue to give sustenance to Saddam Hussein?

Mr Speaker, I challenge anybody in this place to argue that what I have just said about the severe oppression of Iraq's people is wrong in terms of the history, the magnitude of the killing and oppression, and the fact that it is continuing and will continue. Challenge me. Challenge me that I am wrong. Prove that what I saw with my own eyes and what my Iraqi colleagues and friends here and abroad continue to tell me is wrong.

Mr Speaker, it is natural and entirely acceptable for Australians to call for peace and to march against war. While I believe they are wrong in fact, I support them in spirit and do not seek to criticise them. We need that balance in society and it is something that hardened realists should acknowledge. This sentiment applies to some of the speakers in this place who reflect that dynamic.

Mr Speaker, I would like to address my next comments to the naive and irresponsible pacifists—some of them political hardliners—in our community and in this place, with respect to their desire to allow the status quo in Iraq to continue; their desire to see the political exercise of "containment" going on ad infinitum and, indeed, even to call for an end to sanctions. To them I say: look my Kurdish and Iraqi Arab friends fully in the face, then justify why you see fit to condemn these poor people to more years of so-called "containment"—that energy-sapping exercise which is in fact mindless appeasement. When you talk eloquently and loudly about wanting to save Iraqis from war, you are in fact locking them back into murderous oppression and the starvation of a collapsed economy.

Mr Speaker, thousands of Iraqis have died monthly for 12 years, many as a result of Saddam denying his people the UN's fundamental "food and medicine for oil" aid relief. Many, many more have been and continue to be murdered in order that the reign of terror be maintained. Do not blame the United Nations—or in fact the United States—for these deaths. Sanctions are currently essential for minimising the development—note that I say "minimising" not "eradicating"—of weapons of mass destruction. Saddam has denied the full flow of aid in order to maximise his chances of manipulating the black market in order to illegally export oil and obtain materiel for the production of weapons of mass destruction. To do this he has refused unfettered aid to his people. Therefore, he is responsible for the deaths of the frail and the young.

Ms Tucker proposes a continuation of the weapons inspection. What she proposes is the 18th chance for Saddam. That is what is more important for Ms Tucker—a chance for Saddam but no chance for the Iraqis. Mr Speaker, those who would have Saddam given another chance would be told by my Iraqi friends that Saddam is playing them for a mug. They are merely buying Saddam time and helping Saddam to drive his wedge more deeply into the west.

Ms Tucker baldly states there is no clear evidence that Saddam poses a threat. What a joke. My friends are adamant that Saddam strives mightily to keep intact his weapons of mass destruction. After power, that is all he worships. While the jury may be out on whether or not Saddam is formally tied to al-Qaeda, he has certainly used the services of and provided safe haven for Hezbollah Kurd, an Islamic fundamentalist group with a bloody record in the north who are known to have links with al-Qaeda.

I have experienced this liaison between Saddam and Hezbollah Kurd. When they attacked me and my staff in April 1994 at Kumul, close to Halabja, they were supported by both Iranian and Iraqi political and military forces. They were then sometimes called Ansar Al Islami, depending on what organisation or configuration they were adopting at the time and which sub-elements had attached or detached. You have to know the Byzantine nature of shifting alliances in that region, indeed the Middle East as a whole, to get your thoughts around who is with whom and what their objectives are.

The point I am making is that you ignore the potential or the likelihood that Saddam already has established occasional ties with al-Qaeda. You ignore that at your own peril; we ignore that at our peril. This amounts to a clear and present danger, both for the region and internationally. It is well documented that there are those who would carry and use weapons of mass destruction against this nation without the flicker of emotion. This is more likely to impact on "the health and wellbeing of the Canberra community"—to quote the words of Ms Tucker's motion—than the opposite proposition that Ms Tucker proposes.

Mr Speaker, security, defence and other trained and experienced risk analysis people will tell you that even were we to assess the forging—

**Ms Tucker:** Point of order, Mr Speaker. Can I just draw attention—

**MR PRATT:** of Saddam and his weapons of mass destruction with al-Qaeda—

19 February 2003

**Ms Tucker:** Point of order.

**MR SPEAKER:** Order, Mr Pratt! Point of order, Ms Tucker.

**Ms Tucker:** When someone stands up and says “point of order”, you stop speaking. I would like to draw attention to standing order 42. I do not think Mr Pratt is aware that he is meant to address the Speaker. He does not like me answering, but he is directing all his comments to me. So maybe, Mr Speaker, you could point that out to him.

**MR SPEAKER:** I am sure Mr Pratt is now aware of standing order 42. Even when he provokes you, Ms Tucker, it is out of order for you to respond.

**Ms Tucker:** Yes, I realise that. I thought I would help him understand standing orders.

**MR PRATT:** Do I get a time out for that, Mr Speaker?

**MR SPEAKER:** No you don't.

**MR PRATT:** Mr Speaker, I promise not to make Ms Tucker feel too uncomfortable. Security, defence and other trained and experienced risk analysis people will tell you that even were we to assess the forging of Saddam and his weapons of mass destruction with al-Qaeda as being—to pull something out of the air—only a 30 per cent probability, strong justification would exist to remove that risk. The risk of miscalculating the “level of probability” is pretty damn horrible to contemplate.

I strongly support a UN led action to rid this threat, if only because a United States and UK led narrow coalition is just not going to cope in Iraq after the battle. A UN led broad coalition, one more subtly equipped than a US presence, will be necessary for many years to win and keep the peace and then steer the growth of a new and free Iraq. Understandably, the UN will, of course, require US power to back it up. To that end, I vigorously continue to encourage the federal government to pursue a strong UN leadership in resolving this Iraqi nightmare.

I favour and encourage more time and greater energy being given to exhaust the UN options. But time cannot be limitless because, very simply, there is a clear and present danger for the Iraqi people, for the Middle East and here in this country, if weapons of mass destruction are not eradicated and the regime is not removed.

The federal government is doing the best any government could do, faced with very difficult conditions and certain stark and grim realities—realities that are naively and comprehensively ignored by some here today. To call home our defence forces would be ludicrous and pathetically irresponsible. (*Extension of time granted.*)



I would say to those members here today who let their anti-American and anti-Howard biases and hatreds blur their judgements: see if you might be able to analyse the facts with an emotional detachment for a change. See if you might find it in your hearts to condemn Saddam and international terrorist movements for at least a fraction of the time you spend condemning and showing disrespect for your prime minister and our valued allies. But most importantly, see if you can peer into the faces of my Iraqi friends, their families and their people back home, and explain why you appease this great dictator and why you quite gaily condemn their families to perhaps years of more murdering and suffering.

Mr Speaker, as well as being flawed in fact, this motion is a mere distraction. I would have better served my ACT community here today debating Ms Tucker on bushland management and bushfire prevention.

I ask the naive to look into the faces of Iraqis. Listen to the appeal put by Rania Kashi, 17 of whose relatives are victims of Hussein; let us see what she has to say. Rania confronted the appeasers and said:

Are you willing to allow [Hussein] to kill another million Iraqis?

She went on to say:

The Iraqi people have been protesting for years against the war—the war that Saddam has waged against them. Where have you been? Why is it now that you deem it appropriate to voice your disillusion with America's policy in Iraq when it is actually right now that the Iraqi people are being given real hope, however slight and precarious.

Mr Speaker, this motion hastens divisiveness; it plays into Saddam's hands and it damages the national interest. On a very personal note, this motion does a great and dangerous disservice to the Iraqi people, who will continue to die while ever we weakly and without courage bumble on pursuing so-called "containment of the problem". While proponents of this naive and ill-informed motion play their political games and allow their dislike of America to blur their judgment, Iraqis continue to die in their thousands. Let that be on the conscience of the appeasers.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (9.20): Mr Speaker, I move the following amendment:

Omit "paragraph (2)".

The government supports the sentiment and the concern expressed in the motion moved today by Ms Tucker in relation to the developing situation in Iraq and the proposed package of measures in the resolution designed to bring peace to the Middle East. We have proposed the deletion of paragraph (2) because it contains matters well beyond the province of this Assembly and some matters we may not agree with.

19 February 2003

The Chief Minister has asked me to pass on his apologies for not being here to participate in this discussion because of a longstanding engagement. Mr Stanhope attended the march on Saturday and, had he been here, would have supported the motion with my amendment.

Members will remember that on 13 November 2002 the Assembly passed a resolution for the Chief Minister to write to the Prime Minister informing him of the Assembly's opposition to a war in Iraq not sanctioned by the United Nations. At that time, the Chief Minister wrote to the Prime Minister and conveyed the resolution affirming the role of the UN as a vehicle for seeking a non-violent resolution of the issues and urging the federal government to exhaust all diplomatic effort towards a peaceful resolution, noting the UN's continuing ethical duty to seek peace for the people of Iraq.

Since that correspondence to the PM, the issue has gathered much greater momentum in the community, locally and globally. Last Saturday, thousands of Canberra people were moved to protest in the streets in the city centre. They were all very naive, according to Mr Pratt. In fact, there were simply trillions of people round the world who were naive, on his estimation. They rallied because they wanted to send a strong message to the Prime Minister. The message is that there are other avenues of resolving conflicts and they need to be pursued to the very end.

Those who attended last Saturday were there because they harbour genuine concerns about the way events are unfolding in Iraq. Unquestionably, Canberrans want this impasse settled peacefully and they do not want any nation acting unilaterally to engage in armed conflict in Iraq. The UN is the forum for dealing with this issue. It is clear to me that Canberrans are genuinely worried about the consequences of armed conflict. Any war with Iraq would result in significant loss of life, dislocation of families and a massive outflow of people fearing violence and terror.

The UN estimates that in the event of a war there would be up to 100,000 civilian casualties, between 4.2 million and 7.2 million internally displaced persons and up to 900,000 refugees. As members would know, Mr Stanhope is a great supporter of refugees and it distresses us that a situation may arise that leads inevitably to an escalation of the number of refugees.

As a parliament, we do not have any constitutional role in foreign affairs. It is important that we acknowledge that and not confuse our role as a territorial assembly and distinguish it from the role of the Commonwealth parliament as the parliament responsible for the conduct of foreign affairs. But here, as outside, we can state a view. There may, however, be merit in reminding the Prime Minister, who is playing a too active role in the international campaign against Iraq, of the dire and wide-ranging consequences of war. We support the motion, but propose the deletion of paragraph (2).

**MR HARGREAVES (9.25):** Mr Pratt attempted to provide a justification for waging war on Saddam Hussein, but he actually made a case for waging war on the ordinary Iraqis. I reject his case. Who appointed Mr Pratt as the saviour of Iraq? I would have thought that someone of Mr Pratt's experience on the ground would have seen that bombing the hell out of innocent women and children, and men for that matter, actually solves nothing. Eye for an eye stuff is a barbaric way of getting your point across.

Mr Speaker, I have attended a number of anti-war rallies in recent times and a number of issues have kept coming up. There is genuine and strong sentiment that John Howard is not listening to the people of Australia; he is listening to George W Bush. There is concern that John Howard has already committed himself to active participation in a war against Iraq, regardless of a United Nations authority for one.

What points to this conclusion? It is the deployment, not the predeployment, of Australians. Mr Stefaniak, Mr Pratt, Mr Smyth and I, and possibly others here, who have had some time in the services know that there is no such thing as predeployment. The whole of the armed services are predeployed. That is what they are doing; that is what they are trained for. Predeployment is an absolute load of rubbish and members opposite know it. They you can shake their head until it falls off, but that would not change things.

These people have been deployed and members opposite know as well as I do that they are over there for climate assimilation. They are fully trained and they are over there for climate assimilation for when John Howard pushes the red button. They are on a war footing and members opposite know it. On top of that, they already pose a threat to the people of Iraq. Their presence is precipitous if nothing else.

No-one in Australia condones the actions of Saddam Hussein. All people in Australia would like to see a regime change. But how should this come about? Who has the authority to demand this change? We pride ourselves on our commitment to democracy. This is the will of the people, the will of the community. It is the world community which has this authority, not George W Bush, not Tony Blair, not John Howard. The world community is represented, at least at this point in time, by the United Nations. No regime change in the world should be imposed by a couple of nations acting outside the world community, outside the authority of the United Nations.

No-one in Australia is comfortable with any nation having weapons of mass destruction. No-one in Australia is happy about India, Pakistan, China, the United Kingdom, half the countries in Europe, countries in the Middle East and, indeed, the United States having them. Just remember that it was the United States that actually used such weapons at the end of the Second World War and it was the United States which threatened such use in the Cuban crisis. I fear that the trigger-happy US might do so again.

My understanding is that the United States have objections only to Iraq and North Korea having such weapons—at least, objections so strong that war is an option for disarmament measures. Nonetheless, the United States has no worldwide mandate to wage war on anyone to achieve its aims, unless it is part of a United Nations contingent to disarm another nation. The same thing applies to us.

I am opposed to sending troops to Iraq on the following grounds. Firstly, the deployment of troops overseas is not a bluff. If it is, that bluff will be called and Australian service men and women will die, make no mistake of that. Secondly, we are not part of an extensive United Nations contingent against Iraq. Thirdly, such deployment will inevitably cause loss of life of civilian Iraqi. Fourthly, it is not Australia's fight. We should learn from New Zealand. Let us concentrate on our own backyard.

19 February 2003

Fifthly, Australia can give political support to the deployment of a United Nations contingent by voting in the General Assembly of the UN to support the Security Council. Sixthly, the United Nations has not asked Australia to send troops to Iraq or anywhere else in the Middle East. Seventhly, such an involvement will inevitably bring retribution to our shores. It will create and foster martyrs and they shall bring their jihad to our cities and to our people.

Before I go on, Mr Speaker, may I say that I regard the service men and women who have been deployed already as heroes. They are professionals doing the bidding of the duly-elected government.

**Mr Pratt:** But you won't support them, will you?

**MR HARGREAVES:** I will support them until hell freezes over, former Major Pratt, and I take personally any suggestion that I won't. I dare you—in fact, I challenge you—to say that outside this chamber. You have the choice of making a retraction or getting me a new house. You can take your pick, Mr Pratt, because you are an insulting little urchin. You are a grub, Mr Pratt; you are a grub. You are a grub.

**Mr Stefaniak:** I take a point of order, Mr Speaker. That is highly unparliamentary.

**MR HARGREAVES:** Do you want me to retract the statement that he is a grub?

**Mr Stefaniak:** Yes, retract that.

**MR HARGREAVES:** Do I have to retract the statement that he is a grub? All right, I retract the statement that he is a grub, Mr Speaker. I will let the community judge for themselves whether he is a grub when they read the *Hansard*. I retract it.

**Mrs Dunne:** I take a point of order, Mr Speaker.

**MR SPEAKER:** He said that he retracted it.

**Mrs Dunne:** I do not think that the retraction was unconditional.

**MR HARGREAVES:** I said that I retracted it. What else do you want?

**Mrs Dunne:** He did not make an unconditional withdrawal, Mr Speaker.

**MR SPEAKER:** Come on, Mrs Dunne, he has retracted it or withdrawn it, which means the same, I think.

**MR HARGREAVES:** Thank you very much, Mr Speaker. That our servicemen are being asked to go over to Iraq is not to be regarded as anything more than them doing their duty. I would expect nothing less of them. They cannot be held responsible for poor decision making. John Howard should bring the troops home and employ diplomatic means through the United Nations to achieve disarmament or the containment of Iraq. He should not drag the Australian community into another Vietnam.

The war in Korea in the 1950s was a United Nations engagement. The war in Vietnam was a political exercise perpetrated by the United States, with assistance from Australia, and here we go again. Australia is being asked to legitimise a war not sanctioned by the world community that will rain death and destruction on innocent Iraqis. Don't they have enough to deal with under the Hussein regime without this added threat?

Mr Speaker, I am unhappy about our small defence force being deployed in a region which has no geopolitical significance to Australia. Our commitment of troops will ensure that Iraq and/or terrorists sympathetic to Iraq will become a direct threat. Other speakers have put the case for our withdrawal. They have questioned the reasons for engagement. I wish merely to record my opposition to any engagement of our troops in Iraq.

I support the thrust of what Ms Tucker is proposing and I support the amendment put by this side of the house. The crowds recently in Civic, in other capital cities and in other cities round the world have had but one message: no war in Iraq. The United Nations is the appropriate place for global decisions and the Security Council is the appropriate forum for considerations of collective security. The White House, Downing Street and Kirribilli House are not appropriate places for these decisions and they do not have a world mandate to invade Iraq. The liberation of an invaded Kuwait is one thing; the invasion of Iraq on challengeable grounds without United Nations authority is quite another. Let us not be party to the killing of innocent men, women and children in Iraq and, inevitably, in Australia.

**MR STEFANIAK (9.35):** I will speak firstly to Mr Wood's amendment, Mr Speaker, as I might wish to have two goes. I do not think that I have ever been quite so concerned about what is going to happen to this world as I have been in recent times. In fact, historically there has not been a similar sort of situation since the 1930s and we need to ensure that we do not go down that track.

Mr Pratt has ably set out the horrible nature of Saddam Hussein's regime. It is an appalling regime. It is a regime that has about 10 per cent of its people in its security force and its secret police. It is a regime that has used weapons of mass destruction against its own civilians.

A rough estimate has been made that at least 25,000 people have been killed by chemical weapons used against Iraqi villages, and that is just one instance. Saddam Hussein is estimated to have killed between one million and two million of his own people in the last 20 years. The man has been equated, and rightly so, with Adolph Hitler. In fact, Max Van der Stoel, a former UN rapporteur on human rights in Iraq, found that Hussein's regime was "of an exceptionally grave character, so grave that it has few parallels in the years that have passed since World War II". That is quite appalling and quite telling.

My colleague Mr Pratt has indicated the extent of Hussein's torturing and killing of his own people and provided an appropriate quote, I thought, from an Iraqi woman who had lost 17 members of her family. To quote another Iraqi, Sufa Hashim said, "We know that no swift war in Iraq could ever be more devastating than the losses we have incurred over the last 35 years."

*19 February 2003*

Ms Tucker goes on about the brutality against innocent civilians. What about the brutality that this man brought against his own innocent civilians for those 20 years, the one million to two million people he has killed? Mr Hargreaves was going on about a number of things. He spoke about the Americans being trigger-happy and referred to the Cuban missile crisis. Missiles were pointed directly at the United States from Cuba and I think that the Americans acted very responsibly then.

Mr Hargreaves was right in saying that nuclear bombs have been used once before. That was to end the war against Japan, which would have resulted in the death of about three or four million Japanese, plus half a million allied service men and women, had they not been used. No-one has done anything like that since.

Saddam Hussein is a threat. I am amazed at Ms Tucker's motion in that it starts off by referring to opposing the proposed war in Iraq and withdrawing our troops in the Middle East immediately for the reason that there is no clear evidence that Iraq poses an immediate threat to Australia or our allies. Mr Pratt has indicated the extent of the threat and the links between Iraq and various terrorist groups. Tell that to Iran, which Saddam Hussein invaded in 1980 when that nation was in chaos. Tell that to Kuwait, which he invaded in 1991. Tell that to the Saudis, whose country he invaded very briefly before he was thrown out. It is quite ludicrous to say that there is no immediate threat to our allies. Tell that to Israelis on whom he was dropping a few of his missiles in 1991.

Technically speaking, maybe the Kuwaitis and the Israelis are not our allies. The Kuwaitis certainly were in 1991; we went in to help liberate their country. As to there being no clear or immediate threat to Australia or its allies, this man has numerous weapons of mass destruction. The UNSCOM report in 1998 indicated that there was a substantial arsenal of chemical and biological weapons, including 360 tonnes of bulk chemical warfare agents, 1.5 tonnes of VX nerve agents, up to 3,000 tonnes of precursor chemicals, enough growth media to produce 25,500 litres of anthrax spores and over 30,000 special munitions.

That was four years ago. Today, weapons inspectors have identified further Iraqi chemical and biological weapons unaccounted for, including 6,500 chemical bombs with about 1,000 tonnes of chemical agents, some 122-millimetre chemical rocket warheads, laboratory quantities of thiodiglycol, a precursor for mustard gas, indications that VX agents have been weaponised and some additional missiles which go far beyond what they are meant to do. Iraq has an horrendous amount of horrible, nasty weapons of mass destruction. We know Iraq has produced anthrax, botulinium toxin and aflatoxins rich in biological agents and the means for delivering them. What is more, we know that they have been used.

Even at the height of the Cold War when there was a mutual stand-off between the United States and its allies and the Soviet Union, the Soviet Union was never irresponsible enough, or perhaps even wicked enough, to use weapons of mass destruction. This man actually has and has indicated that he would have absolutely no compulsion to do so and will do so against his own people or anyone else. He has associated with various terrorist groups. He pays the families of terrorist groups in Israel and Palestine \$25,000 for every suicide bomber who blows up himself and other people.

What our government has done is not worthy of condemnation; it is something that is worthy of support. My colleague Mr Pratt has ably espoused the situation and how the Prime Minister is very keen to ensure that the UN does take its job seriously and we will, if we have to, go in with UN approval. If Saddam Hussein is such a reasonable person and we are being so unreasonable, why doesn't he just disarm. He does not need these weapons of mass destruction. My colleague Mr Pratt says this is about the 18th chance he has had. He has broken 17 resolutions.

To say that the actions of the West set a precedent for pre-emptive military action is absolute nonsense. It is basically attempting to enforce a whole series of sanctions that have been applied, the most recent being resolution 1441. There is some argument as to whether another UN resolution is needed. It is quite ludicrous, I think, to say that. I think it is important to make that point.

Ms Tucker goes on in the motion to say that it serves the interests of the promoters and organisers of global terrorism. I really think that that is a nonsense. It gets back to the old appeasement argument. People used that with Adolph Hitler, people used that with Mussolini and people used that against the Japanese imperialists with very little effect. We are told that this war will drive Muslims into the arms of the al-Qaeda. People should remember that Bin Laden said in the days after 9 September 2001, "America is weak. It cannot take casualties. It ran away in Somalia."

Throughout the 1990s, the West responded tamely to attacks by Bin Laden: the African embassy bombs, the attack on USS *Cole*, two attacks by groups linked to Saddam Hussein, the Saudi barracks bomb attack, the assassination attempt on Bush's father and, indeed, the first World Trade Centre attack to which Saddam Hussein was linked. Also, there has been the continued refusal of Iraq to disarm, as required by the Gulf War ceasefire and the continued attempts to import further weapons and materials of mass destruction.

Why didn't Saddam Hussein just import food? Any decent government faced with the situation he was faced with would look after its people's basic interests to start with, but he has been quite happy to have half a million children starve to death, to have a lot of his population constantly hungry—not him and his cronies; just ordinary people—while he has continued to circumvent the will of the United Nations.

I think it is important that we learn the lessons of appeasement. Lots of people marched on the weekend. They might have been well meaning. Unfortunately, they probably just gave succour to one of the worst dictators the world has seen. One has only to witness what came out of Iraq from Radio Baghdad as a result of those marches. I do not think they helped the ordinary citizens of Iraq one jot.

**Mrs Dunne:** Or Australian interests.

**MR STEFANIAK:** Or Australian interests, as Mrs Dunne says. Eastern Europeans know very well that when they suffered depression America and several other countries in the West tried to help them. (*Extension of time granted.*) In those days it was those in the Western Left who marched in tacit support of their oppressors. It was interesting to learn after the Soviet Union fell that the Politburo never believed that NATO would respond to the deployment of its SS20 missiles.

19 February 2003

I would imagine that most of us are old enough—Ms Dundas probably is not—to remember the huge protests about that in Britain, Germany and other countries. The governments of those countries took what might have been reasonably unpopular moves at the time, given just how many millions of people protested, but they stuck to their guns. The Russians sat up and had a bit of a think about it and it actually enabled Mikhail Gorbachev, a much more reasonable person, to come to power. That was because people actually stood up for freedom and stood up against naked aggression.

I think it is important that we do not vote for this motion. Further, I do not think it is going to damage our relations one jot not to do so; in fact, it would be far worse if we went away from accepting our responsibilities. Ms Tucker talks about a war on Iraq resulting in the death and injury of civilians. I have already indicated how many Iraqis have already been killed. It is quite obvious that most of them would simply like to be rid of this dreadful regime and have a much better one.

Indeed, in relation to impacting directly and indirectly on the health and wellbeing of the Canberra community, I think it would be much more likely for that to happen if steps were not taken, hopefully taken by the United Nations, to enforce the destruction of weapons of mass destruction in Iraq, by force if necessary. One hopes that force will not be necessary. But if that does not happen and Saddam Hussein is allowed to continue along the way he has been going for the last 20 years, in breach of UN resolutions for the last 11 or 12 years, I think that it is far more likely that things will happen that will directly or indirectly impact on the health and wellbeing of the Canberra community than if strong action is taken now by the United Nations.

We will be supporting Mr Wood's amendment. I have passed around a further amendment in relation to that and I will speak briefly to it now. I move:

Omit "paragraph (2)", substitute "all words after 'That this Assembly', and substitute 'recognises the fact that it is up to the Australian Government as to whether or not Australia engages in any war or any other action in Iraq and notes that whatever action it does or does not take will be judged in the usual way by the Australian people at the next federal election.'".

Effectively, the amendment changes the motion to read, "That this Assembly recognises the fact that it is up to the Australian Government as to whether or not Australia engages in any war or any other action in Iraq and notes that whatever action it does or does not take will be judged in the usual way by the Australian people at the next federal election."

I would hope that such a motion, which is fairly neutral, would mean that we could all have our say on this subject and what we think should or should not happen, recognising that at the end of the day it is up to the Australian government to decide. It is elected to look after defence and foreign affairs and, if it takes action that people do not particularly like, it will suffer the consequences at the next election. I think that that is far more appropriate than us trying to strut the world stage with a motion such as this one.



Given that we are discussing such a motion, I will finish by quoting from an interesting little article in the *Spectator* by a person who went to a peace rally at which, as what he described as a bit of a stunt, there was a soccer match between some Americans and some Iraqis which the Iraqis won. He said:

I fell in with a young Iraqi student. He spoke quietly and kept moving out of earshot of the whooping peace-pack around us. He had fled Baghdad 11 months ago, he said, after several of his friends were executed. "The Iraqi people fear the sons more than Saddam. The sons are more cruel," he told me. "Are you against the war?" I asked. He shrugged. "If it will come, it will come. Everyone close to the regime is selling their property. They're buying apartments in Syria and Jordan." That was news to me. He said, "But the Iraqis will fight." Another shrug. "The first bomb that falls, the first sign of war, the regime will collapse. Everyone knows this." "And then you can go home," I said. He smiled but didn't reply. It seemed like treachery to support the aggressor in this atmosphere of stagy fraternalism. He left me with a chilling sound bite: "Saddam's survival is Iraq's death."

It is a horrible situation in which we find ourselves, but it is very important for the whole United Nations to enforce the sanctions it has applied, to enforce the resolutions it has passed and, if need be, to use military force to do so. I think that what the government has done is reasonable in the circumstances.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Hargreaves): Order! The member's time has expired.

**MR BERRY** (9.50): I will be opposing Mr Stefaniak's amendment. Who would trust the federal government on the issue of war? I want to go back to some of my early experiences with war. I remember as a young boy in a catholic school being called upon to pray for the conversion of communists when the Korean War was in progress. Later, I got to talk to an airman who was to fly in Korea. Among other things, he told me about how the clergy would come along and bless the soldiers and airmen as they went off to war.

He also told me how, in the briefings before they left, they were told, "Make sure that you attack up and down the roads and not up and down the rivers when you go for a bridge because, if you attack up and down the rivers, any ammunition that misses the bridge will hit the rivers and there will be nothing there. You should attack up and down the roads because usually there will be a town on each side of the bridge and you will do some collateral damage and might get one of the commies." I thought to myself at the time that war was a thing to be avoided at all costs.

My earliest memories of the Vietnam War go to all of the demonstrations which occurred at the time. To this day, I regret that I was not an active part of that, but I was always an opponent of the Vietnam War, and I was right. When Gough Whitlam said to the soldiers in Vietnam, "I support you, but I will be getting you out of there as quickly as I can," that was the right thing to say. What did we profit from in Vietnam? I will come to some of the things that Mr Pratt said later. We were all going to be subject to the domino effect if Vietnam fell and we would have communists on our shores not long after. We were misled then by the Americans. We were misled then by the Australian government, a conservative government. Our men and women were sent overseas to kill people they had no argument with.

*19 February 2003*

It wasn't just the people that they killed and injured who were affected by that and whose country was destroyed. It was also the people who were sent over there by the government of the day who were affected by their involvement in the Vietnam War. We are still seeing the effects of that. If you think that I am going to sit quietly by and allow troops, men and women, to be committed to a destructive war and say nothing, you have another think coming.

An interesting thing has been the approach of the federal government. You have only to go back to the boat people saga and look at the fear campaign that has been run against everything that is not white Anglo-Saxon as we have been led up to this war. For example, we had the boat people issue when people from overseas were the subject of a racist attack. The next extension, of course, when it comes to the war-like nature of this government has been in relation to Howard's commitment to the attack on Iraq.

All we have as a result of all of this is a lousy little fridge sticker at home that tells us to watch out for terrorists. That has been the nature of this government all the time. It has never been about achieving peace. It has been about winning the political battle in Australia and winning the minds of the Australian people. It has never been about peace. Don't come in here, Mr Pratt, and say that you are the only one concerned about the Kurdish people or the Iraqis.

**Mr Pratt:** I didn't say that, Wayne.

**MR BERRY:** The way you spoke about it, it was as if you were the only one concerned about the Kurdish people and the Iraqi people. How do you think the slaughter of 20,000 Iraqis helped the cause of the people that you were looking after when you were there some years later? I can tell you that I do not think it helped them much at all. You would have to admit to that. It probably made it worse for them. In fact, I am almost certain that it made it worse for them. So do not lecture me about whether I am concerned about the Iraqi people.

Another thing that annoys me about the arguments that members opposite have put in this debate is that, all of a sudden, they do not want to talk about weapons of mass destruction because the inspectors are finding it pretty hard to find them. They are not finding too many of them. The inspectors have been in the place for ages and are not finding too many of them. There is no smoking gun, but we are supposed to believe all of this propaganda that is being put to us by the Americans. There is no smoking gun; so, all of a sudden, it is to the inhumane activities of Saddam Hussein that the debate is starting to shift, to try to convince people that we ought to just march in there and slaughter another 10,000 or 20,000 Iraqis.

**Mr Pratt:** Don't be dramatic.

**MR BERRY:** That is what happened last time; 10,000 or 20,000 were slaughtered. What did it prove? In 1991, I marched up to Parliament House in opposition to our involvement in the invasion of Iraq at the time and I was right, because it proved nothing. All that happened was that 20,000 Iraqis were slaughtered and Iraq ended up with the same regime and the impact on the Iraqi people was the same, probably worse if you listen to the commentators who are talking about the issue now. The situation for the Iraqi people worsened after that invasion; there is absolutely no doubt about that.

**Mr Pratt:** That is misinformation.

**MR TEMPORARY DEPUTY SPEAKER:** Mr Pratt, if you want to discuss the issue, do it outside, please.

**MR BERRY:** Do you think that another failed invasion would improve the lot of the Iraqi people? I don't think so.

**Mr Pratt:** Twenty thousand civilians did not die.

**MR TEMPORARY DEPUTY SPEAKER:** Mr Pratt, you are wearing thin.

**MR BERRY:** If the wild-eyed warmongers in this place have their way, we will send a bunch of our people over there, sight unseen in terms of the activities. We are going to trust the federal government to do what they will with them while they suck up to George Bush. If you look at George Bush you will find that he, as governor of his own state, was involved—

**MR TEMPORARY DEPUTY SPEAKER:** Order! Mr Berry, address your remarks to the chair, please.

**MR BERRY:** He was involved in and happy with the state killing in his own state through capital punishment.

**Mr Cornwell:** Would you also ask him to be relevant, please, Mr Temporary Deputy Speaker?

**MR TEMPORARY DEPUTY SPEAKER:** Order! Is that a point of order, Mr Cornwell?

**Mr Cornwell:** It is, sir.

**MR TEMPORARY DEPUTY SPEAKER:** There is no point of order.

**MR BERRY:** It seems as if it is not far to go to go and slaughter a few more thousand Iraqi civilians.

**Mr Stefaniak:** So Stalin was a good bloke, too, because he is Saddam Hussein's hero.

**MR TEMPORARY DEPUTY SPEAKER:** Mr Stefaniak, would you like to do it outside also?

19 February 2003

**Mr Stefaniak:** If you go with me, Mr Temporary Deputy Speaker.

**MR TEMPORARY DEPUTY SPEAKER:** Check the standing orders, Mr Stefaniak.

**MR BERRY:** The fact of the matter is that the UN is unlikely to support the involvement of the US or Australia in an invasion of Iraq. I heard today that Australia and the United States were in a minority, by themselves, and deservedly so, because they both seem to be interested in committing their troops to a bloody war. If you think that, by accusing me of being a naive pacifist, you are going to sway me from my opposition to war, you are wasting your time, old son, because I have been opposing wars for too long to be swayed by that sort of rhetoric.

What you have got to do is get to the substance: what will happen to our people and what will happen to the people over there on the international front? It is quite easy for the people opposite to stand back and say that it is a great idea to send our flesh and blood over there to attack their flesh and blood in the interests of the wider political agendas of somebody who does not give a fig about the Australian people. Do you think George Bush cares about Australians? Of course he doesn't. (*Extension of time granted.*) The majority in the UN is calling for more inspections and for some support for those inspections.

**Mr Smyth:** How much longer will you be? How long is a piece of string?

**MR BERRY:** Mr Smyth, it is nice of you to interject. You support sending our troops there at any time to whip in and slaughter a few of the Iraqis and think that that will be the answer to our problems. It will not be, because it has been proven in the past—

**Mrs Burke:** None of us have said that. Don't misrepresent what we have said.

**MR BERRY:** You want them in there and you want a unilateral strike on Iraq. That, in your view, is the only thing that will fix up Saddam. What has happened in the past does not support your view that well.

The fact of the matter is that there should be more inspections, there should be more diplomatic action taken and there should be support for those inspections until they work out. If you think a failed attack on Iraq is going to help anybody, you are kidding yourself. It never helped while you were there. The reason you were there was to help those people whose position in Iraq was made worse by those attacks.

A unilateral attack on Iraq is a most outrageous position for any government to take. For the wild-eyed warmongers opposite to support that approach is completely outrageous. I am proud to have marched with 5,000 to 10,000 people in the ACT last weekend. If I get the chance again, I will be out there. You could again call me a naive pacifist, but that would not sway me.

**Mr Pratt:** Tell that to the next 2,000 Iraqis who will die next month.

**Ms Tucker:** I rise to a point of order, Mr Temporary Deputy Speaker. I want to draw attention to the fact that Mr Pratt objected very strongly to me interjecting. He asked me not to and I did not interject any more. He has continually interjected ever since. I am surprised that you have not warned him. I am asking you to ask him to control himself, please.

**MR TEMPORARY DEPUTY SPEAKER:** Ms Tucker, I will convey those sentiments to Mr Pratt. You have pushed the envelope right out, Mr Pratt. I do have the power to warn you. I would prefer not to do that, but please do not push me.

**MRS DUNNE (10.03):** Tonight, we are debating a fairly emotional topic and I think that we should be careful not to let our emotions get too carried away. I think that people on all sides of this debate should be a little bit careful about name-calling. We had a fair amount of that during Mr Berry's speech.

We have come here tonight to debate something that gives people from what seems to be a particular political perspective an opportunity to find relevance. For a long time, the Left has been seeking relevance. Since the end of the Cold War, which we won, they have been looking for relevance and have had to content themselves with protesting about something esoteric like the World Trade Organisation. They have managed to find relevance in the past few months and there is a hint of nostalgia in that relevance because they now have anti-war demonstrations to go to, just like they did in the old days.

I am on record as stating that we should not be having this debate here today. We have no authority and we have no expertise. This government has no mandate to adopt a position on Iraq and no access to expert advice. We are no better placed to debate this issue than any person sitting in the gallery, and they have all just left. We are just 17 individuals indulging ourselves tonight.

If this debate must proceed, I feel it is incumbent upon me to put an alternative point of view from the one fairly eloquently expressed by Ms Tucker and Mr Berry, which was without a doubt heartfelt. There is a range of perspectives in this debate and some of those other views must be expressed. I am standing here reluctantly because I feel that we need to have a rounder debate.

There has been a little bit of mud-slinging here tonight and I think that we should step back from that. But I am concerned with a position being taken at the moment. It seems to me that it is easy to be anti-war in this debate, in this environment. That was manifested tonight by Mr Berry gesticulating across the table and calling us wild-eyed warmongers. It is not that there is an even demarcation in that. It isn't that Ms Tucker and Mr Berry, for example, are anti-war and Mr Pratt, Mr Stefaniak and I are pro-war; it is just not that simple.

It is very easy for people on the "let's not go to war" side of the debate to start tarring people. There aren't people out there running counter demonstrations, saying, "Let's go to war." The situation isn't like it was in 1914 when people stood outside Buckingham Palace begging the king to declare war on the kaiser. People's appreciation of this situation is much more sophisticated and there is a view that it is just not an open and shut case. When you look at the pages of the national dailies you can see that it is not an open and shut case.

*19 February 2003*

Because I am not saying that there should be no war under any circumstances does not make me a warmonger. It makes me someone who feels that it is legitimate to seek recourse to war as a last resort. I am a mother of two boys, one of whom is old enough to go to war. I do not stand here and say lightly that war is a matter of last resort. I cannot rule out the possibility that legitimately and morally we should go to war. In the past we have legitimately and morally gone to war. Until we become a better civilisation, until we do away with the power of original sin, we will continue to legitimately and morally go to war.

This is one of the occasions when it may be the case that, if we do go to war, it will be a legitimate moral decision for us to make. I have a lot of respect for people who have a consistent pacifist position. I wonder what a lot of these people thought about what happened in World War II, but they have a legitimate position. I am much more concerned about those people who cede control over their consciences to international organisations like the UN.

For the pacifist, there is no issue here; they are opposed to war qua war and that is the end of it. They are entitled to their position and their fundamentalist certainties on this subject. But for the rest of us who are not pacifists, for the vast majority of people in this country who are not pacifists, we have to make a choice. We cannot make that choice and we cannot inform our consciences in a climate like we have seen in this chamber tonight, with people wagging their fingers across the chamber and calling people wide-eyed warmongers and doe-eyed pacifists. That is not the way to go.

What we have to do in the case of the current unrest is to debate the specifics of the case. After we have put aside the fundamental certainties of those people who consider themselves to be pacifists, we have to address the other people, the vast majority of people who believe that there are some causes worth fighting for. The question we have to ask ourselves is whether this is a cause that is worth fighting for. We have here 17 people expressing their views on whether we believe that this is a cause worth fighting for.

I have a problem with much of what has been said in the debate. Part of what I have a problem with is the idea that we cannot do anything because we have ceded our conscience to the UN. The UN does some pretty good work through UNESCO, UNICEF and that sort of thing, but in the past few years, in the lifetime of my children, we have seen some spectacular failures on the part of the UN. We have stood by and watched them incapable and impotent in Rwanda. We have seen them stand back at Srebrenica and let people be murdered because they did not have the power to do anything about it. Is this an organisation to whom we should cede our consciences?

Mr Hargreaves said that he was opposed to unilateralism. What is unilateralism? He is opposed to the unilateralism of the United States going off and undertaking pre-emptive attacks on Iraq. What is unilateralist about all those countries that have put their support behind the US—Canada, Bulgaria, Spain, Italy, Romania, Australia, most of the countries in the EU and most of the countries in NATO? We are hearing about a few countries, such as France, which have something to say on the opposite side. That is where we do come to the argument about whether it is a war about oil. Let's look at the motives of the French and the Russians and their oil interests in Iraq.

As you know, I come to this place as a Christian, most specifically as a Catholic, and in informing my conscience I have had to go back and look at what the churches have said in recent times and review what the churches have said in history about war. You might get the impression from reading the papers from time to time that the church is peopled by pastors who are pacifists, but that is not actually the case. There have been some remarkable exceptions to that—Dr Tom Frame, who is the Anglican bishop of the defence forces, and Archbishop Pell, and there have been others in other jurisdictions and in other countries. I am grateful for the contribution that sets this up in stark contrast. This is not an easy issue.

What we are talking about is whether the just war theory expounded by Augustine in the 5th century apply today. We cannot answer that definitively because it is a matter of prudential judgment, and it is a prudential judgment that each of us has to make. We have to look, as Archbishop Pell did in his article in the *Australian* a couple of weeks ago, at what is happening and ask: is war a reasonable last resort when all prospect of success in other ways has been eliminated? You have to ask yourself: if we go to war in Iraq, is it the last resort? I think that, as Tom Frame has said, we can legitimately answer yes, that it is a matter of last recourse.

But a good cause is not enough to justify everything. (*Extension of time granted.*) Most would agree with the viewpoint of the allies that we went to war in World War II for a just cause. But one of the most important things about World War II was the issue of the involvement of combatants and neither side—the allies more specifically, I suspect—was free from guilt of recklessly endangering non-combatants. That is one of the things that we have to ask ourselves. If we go to war in Iraq, if the cause is just, can we minimise the harm to non-combatants? Are we sure that we are not deliberately—“deliberately” is the word here—imposing danger on non-combatants?

In the case of Iraq, bishops Frame and Pell have come to different conclusions. Bishop Frame concludes that the cause is just and Archbishop Pell thinks that more options need to be tried, but he does not rule out the use of force in the end. In looking at the issue of a just war, I did look at various things said. A useful little thing for going about the evaluation of the conditions about a just war for moral legitimacy is that it is a prudential judgment which falls to those who have responsibility for the common good. This is what the Catholic catechism says in conclusion about the just war. That translation means that when everything is bound together, the people who make the decisions are the responsible governments.

This is a decision for governments to make. It is a decision about which we can have a view and which we should robustly debate, but in the end it is a decision, as Mr Stefaniak has quite rightly said in his amendment, is a matter for the federal government. That is why I contended at the outset that we should not be debating it. But if we are debating it, we should be careful about how we debate it. Whether we can or cannot support the war personally, we must not do so in a way that undermines the sovereignty and the security of our country and, more importantly, the security of our soldiers.

No matter how we talk about this matter, we must come to the conclusion that after we join the campaign we cannot come out against our own government. That would only give succour to Saddam Hussein. It is important that we not do that. I am talking about joining a campaign which is large enough and coordinated well enough internationally that, if it continues as it has over the last weekend, would give aid and comfort to Saddam Hussein, by sending a message that a large number of voters in the West lack the will to use force, thus increasing the risk that Saddam Hussein will not back down and force will have to be used in the end.

I am saying to members that they should think carefully. Inform their consciences, but make sure that when they speak, they speak judiciously and they speak not only for their own warm and fuzzy feelings at the moment, but also for the good of our country and our soldiers to ensure that the best possible outcome is attained.

**MS DUNDAS** (10.17): I will start by responding to a few points that have been made throughout this debate. Mr Pratt, in his speech, talked about this motion and the rallies over the weekend and, over the past couple of weeks, of providing another chance for Saddam Hussein. I would like to run a counter-argument to that. It provides a chance for people not to be bombed. At the core of my argument is that the dropping of weapons of mass destruction, in an attempt to show people that we do not want them to use weapons of mass destruction is absurd. Mrs Dunne has spoken in depth about this being an issue of conscience, saying that we must consider it carefully—and I welcome her words.

Some members of this Assembly believe this debate would be best undertaken in the Australian federal parliament, but I understand the Prime Minister has already ruled that out. I put the question whether, if this debate about the commitment of Australian troops were to happen in the Australian federal parliament, the Prime Minister would let this opposition's Liberal colleagues vote on this issue as a matter of conscience.

It is a very concerning time we are living in—we are looking at a world in turmoil. I cannot see, in any way, that a pre-emptive first strike is the answer. People poured into the streets over the weekend. There were people in front of Parliament House, and women who, every Friday—and I have joined them a number of times—dress in black and observe a silent vigil in Civic. These people do not understand how the backing of George Bush and the invasion of Iraq will make this world a better place.

There are other options before us. We talk about United Nations resolutions and whether they are being followed, and whether we need a second UN resolution to resolve the legality of committing troops to Iraq. There are also UN resolutions about women's involvement in the peacemaking process. I ask the US government why they are ignoring this UN resolution. I ask people involved in the United Nations why one UN resolution is more important than any other. Why are we not seriously considering different ways to bring about peace?



What happened on the weekend was impressive—the number of people who piled into Garema Place here in the ACT to show their opposition to a war and to send the very clear messages, “Don’t back Bush!” and “Bring our troops home!” It was one of the largest crowds which has gathered in the ACT. I was speaking to members of the community in that crowd who had been part of the Vietnam protests. They said—and reports supported this—that these rallies were bigger. This is before we have fully committed to war.

We do have troops headed for the Middle East, and there are a number of concerns relating to how they are being treated. Even before a firm commitment to war, people are showing that they think there must be another way—that we must find another way—that we cannot, in all good conscience, step into the arena of war.

We had young people, old people and people of all demographics. Bishop Pat Power noted that it had been a long time since all the Christian churches agreed on something. I would add, it was the first time I shared a platform with a bishop, an ALP backbencher and Ms Tucker from the Greens—and we all had the same message.

Protests are a legitimate part of our democracy. They should not be dismissed, as has so readily been done by the federal government. The people who marched on the weekend were exercising their democratic rights and showing, by their presence, that they were not happy with the idea of the bombing of Iraq.

Australians do not want a war. It will affect us both locally and internationally. We already spend \$40 million a day on defence. By committing to war with Iraq, this will increase to \$15 billion.

At the last sitting of federal parliament, the Senate passed a motion stating that the disarmament of Iraq must proceed under the authority of the UN—and the Senate censured the government. The Democrats then wrote to all members of the United Nations Security Council, conveying the results of this Senate vote, so they would be aware that the Prime Minister does not speak for all Australians. The motion noted that a strike on Iraq will breach international law.

The Australian, British and American governments have repeatedly said that they do not need a new resolution to attack Iraq. That is not true. Leading lawyers and judges have warned that an attack on Iraq, without any UN resolution, would be illegal, as well as—I personally believe—a quite concerning commitment to war. There are alternative avenues, and we must explore a peaceful resolution. Weapons inspections must be given the chance to work—and we should be working towards a change of government in Iraq through legal means.

Members of this Assembly have spoken about the rights of Iraqi citizens, and that they do not have the same rights as we have here. I question how dropping bombs on them will give them more rights. Military action should not be taken without careful consideration of the consequences for stability and security, as well as the cost in human life.

19 February 2003

It is expected that an attack on Iraq will begin with sustained air strikes, followed by an invasion of ground troops—culminating in the overthrow of Baghdad. The UN estimates that this could generate 1.4 million refugees, who I am sure our federal government would not want to let into this country. The World Health Organisation has put the likely death toll at half a million, estimating that there would be 100,000 direct and 400,000 indirect casualties.

The death toll would be much higher than the 1991 Gulf war, which killed around 200,000 Iraqis. The 1991 war led to a severe decline in the health of the Iraqi people and a weakening of the country's health care infrastructure. Any new war would mean higher casualties. In the worst case scenario, if nuclear weapons are fired on Iraq in response to a chemical and biological attack, then the estimates range from between 1.7 and 3.9 million people dead.

John Howard has said that he would not involve Australia in a war where he thought nuclear weapons could be used, but both the United States and the United Kingdom have refused to rule out the use of nuclear weapons. The fears are real, and members of the Australian community deserve to have their voices heard.

We have had calls from past leaders of this nation, former US Presidents, senior security experts, leaders of other nations, leaders of churches, many Islamic community members and a majority of members of the Australian public. All over Australia and all around the world, there have been community rallies opposing a war.

I recognise that the ACT is a small jurisdiction and that we do not have the power to block the actions of the American President. However, this Assembly must be moved by what we saw on the weekend—by the number of people willing to step forward to defend peace.

We must continue to apply pressure on our own Prime Minister to not lead us down a path to war.

### **Suspension of standing order 76**

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

That standing order 76 be suspended for the remainder of the sitting.

**MRS CROSS** (10.28): I was not going to speak on this tonight. This is a very emotional issue and I agree with the sentiments expressed by Mrs Dunne. I also understand the sentiments behind Mrs Tucker's motion. I know she is very passionate about the causes she gets involved with, and I respect her for that sentiment.

I will say a few things. Ms Dundas said she was moved by what she saw on the weekend at the rallies. Let me tell you what moved me on September 11, 2001—planes deliberately crashing into the World Trade Centre Twin Towers in New York, when we were all busily campaigning for an election. I remember getting home late that night. We were tired because we had been out on the hustings all day. We sat and watched the news live, just after 11 o'clock, and saw the devastation which people initially thought was an accident—some pilot having a heart attack and crashing into the twin towers! Then another crashing into the other tower!

That is what I was moved by. I was not moved by it just because it was a horrific accident. It was not an accident, it was deliberate. I was moved by it because of the—as I was later to learn—thousands of people who died, some of them Australian. The people who died in those twin towers were not all Americans. There were people from around the world, in many professions who had chosen New York as their home—a place to work and bring up their families. Several people there were there on postings—some short term and others long term.

I was advised against speaking on this motion. Why? Because, politically, it is never good to get up and debate a war, as you will alienate some people and win others. It is never a win/win situation, as we all know. It is, however, an issue I can talk about because I have lived in places where I have seen conflict.

I was living in Indonesia in 1990 when the Iraqis went into Kuwait. I remember that Australia—I think under the leadership of Mr Hawke, a Labor Prime Minister—committed troops to that part of the world because we felt it was our responsibility, not only from a human rights standpoint but as an ally of the United States, to assist our fellow ally.

I do not recall the rallies held then, but Australians at that time did not know that a brutal dictator called Saddam Hussein had committed dreadful atrocities not only on the Kurds but the Shiite Muslims and many others, including his own people.

I remember living in Indonesia shortly after the invasion. The Dili massacre took place and Australians living all around Indonesia were targeted—particularly those in government positions. There were certain fundamentalist groups in Indonesia which felt it was appropriate to target Australians like myself, my husband and my step-daughter, simply because we belonged to a country which fought against what happened in Dili—one that stood up against the Indonesian government of the day and defended the rights of the weak people who had been sacrificed, slaughtered and victimised in that cemetery in Dili.

I do not remember rallies taking place in Australia at that time against what Australia did in defending the rights of small groups such as the East Timorese. I recall that, one day, while I was in my car with my driver, it was vandalised by 30 volatile young Indonesian men. It was only through staying calm and composed, in a potentially dangerous situation, that I survived that attack. I was attacked simply because I was an Australian and was prepared to stand up for the rights of the East Timorese, who were considered to be a minority group.

*19 February 2003*

I have learned from my family that the Greeks had been under the Ottoman Empire for 400 years when they were invaded by the Turks. Although they got their freedom in 1821, MANY heroic people had to sacrifice their lives. Not only were Greek lives lost, but Turkish lives as well.

War is not something I have heard anyone in this place, or indeed people in the community, say they would like to see occur. As Mrs Dunne said earlier, there are those who prefer a pacifist approach. They have that right, because we live in a democratic society. If that is the way they wish to approach it, that is fine. But I have lived in countries like China where one man standing in front of a tank made a difference because he took on the establishment. He took on the government; he made a stand—he was prepared to sacrifice his life for freedom of speech. The whole world then took notice.

No-one can tell me that we can stand by and watch, while atrocities and human rights violations occur, and do nothing. That is what happened with Hitler. The situation there was that France could have gone in and stopped that from happening. We had another situation where the Brits could have affected the rail lines and stopped those trains going to Auschwitz, but it did not happen.

In 20-20 hindsight, from history we learn of our mistakes. We have all made mistakes but, just because mistakes have been made in the past does not mean we have to continue making the same mistakes. Yes, the Americans have made mistakes in the past. Who hasn't? But they learned from them.

This is interesting—I hear this a lot. France, Germany and China do very significant trade with Iraq—funny, that. In fact, China sells fibre-optic cable to the Iraqis. Do you know what they do with it? They use it for communications relating to warfare. France does a lot of business, and so does Germany in—guess what—oil! I think someone mentioned that earlier. It is not just oil—there are other things they do business in. So is it any wonder they are hesitant in taking another position on the war?

Not only that—the current government in Germany was elected on a narrow margin because they promised the Greens in that country that they would be against war of any kind. That is how they won government, albeit they are on a small margin.

People tell me that this is politics—this is about oil. Yes, it is about many things. However, do not assume that the reasons those who are against going into Iraq on what I feel are very sound human rights grounds are anything but political, from all sides. At the end of the day, when we make an assessment, let us look at the atrocities this brutal dictator has committed in his country for decades; let us look at the fact that there have been 17 resolutions passed by the United Nations Security Council, all of which this man has ignored.

Let us look at the fact that we went in there 12 years ago. I have heard people say that the Bush son is finishing the job the father started. What crap! George Bush senior went into Iraq and followed the United Nations Security Council terms of reference to the letter. That is why he did not go into Baghdad. Those of you who do not know the history can go back and read it. He is not going in to finish the job his father started, although, in 20-20 hindsight, I am sure he wished he had gone further. It would have saved us all this!

I want to read something which my husband brought to my attention. I know many people in this country have terrible views on the military. That is shameful, given that those people go into a profession to protect this country. My heritage is Greek, and those people respect the military. When I grew up seeing how many Australians have a horrendous attitude against the military in this country, I became very protective and decided to learn more about it. I am sure Mr Pratt knows where I am coming from because he was in the military as well, as was my husband.

I refer to a recent article in *The Australian* of 21 January entitled “Despotism the Left’s Too Blind to See.” The subheading is, “Veteran Labor activist Jim Nolan calls on Simon Crean and the Left to stop ignoring Saddam Hussein’s evil regime”.

For those of us who think it’s all left and then right, it is not. There are people in the Left who, I suppose, have been able to analyse this problem. Jim Nolan is an industrial relations barrister who has been a member of the Australian Labor Party since 1968. Mr Nolan writes:

Why won’t Labor and the Australian Left call for the removal of Iraqi dictator Saddam Hussein on human rights grounds alone? After all, the party and its ideological soul mates in the community have had a proud and noble record in championing the democratic cause of the oppressed and condemning the evil ways of their aggressors.

From the West’s intervention in Bosnia and Kosovo to rescue European Muslims from ethnic cleansing at the hands of the Stalinist fascists to the liberation of East Timor from the Indonesian military rulers, the Australian Left has supported the great humanitarian interventions in recent years. The lesson? That a blanket principle of non-intervention cannot rationally be sustained.

Yet the Left’s opposition to regime change in Iraq stands in stark contrast to these principle campaigns. But turning a blind eye to the Iraqi tyrant will only lend aid and comfort to one of the most brutal and murderous regimes on earth. And opposing the Bush-Blair-Howard position of regime change in Iraq will only prolong the life of an ugly, brutal, fascist state.

Conventional wisdom among the Left holds that the international community should act in the face of widespread human rights abuses. An important task for the Left, the argument goes, is to take their own governments to task to require intervention in the name of democratic and human rights values. Campaigns against the racist regimes in South Africa and Zimbabwe and more recently, Cambodia, East Timor, Burma and Tibet bear this out.

Yet faced with a tyrannical and murderous regime in the Persian Gulf, many in Australian Labor are looking away. Former Foreign Affairs spokesman Laurie Brereton has forcefully stated that any intervention is none of Australia’s concern.

Since when? The article continues:

And Simon Crean has echoed Brereton’s call, telling *The Australian Financial Review* last week that he has all but ruled out support for a US-led attack on Iraq.

19 February 2003

But neither Brereton nor Crean has offered any real analysis of the alternatives to regime change. It's almost as if the British Labour Government's detailed dossiers showing the horrors Hussein has inflicted on Iraqis and the build-up of weapons of mass destruction never existed.

A few strident voices on the Left overseas have not been afraid to stake out a position in favour of regime change. Leftist UK journalist Johann Hari writing in *The Independent* earlier this month, asked: "What has become of the Left which argued that we had a moral responsibility to defend our fellow humans from fascist dictators?" And Washington-based English Leftist Christopher Hitchens has coined a new term for the prevarications of the Left on Iraq—"subject change". The embarrassment created by too close exposure to and concentration upon, the true facts of the Iraqi regime is avoided by always changing the subject to familiar anti-Americanism. "Regime change" is avoided by "subject change".

And so it was with Brereton's article on this page two weeks ago ("Keep us out of Bush's War" Opinion January 7). Instead of pointing his finger at the true culprit (the Iraqi dictator) the Labor Backbencher engaged in undergraduate anti-Americanism, even implying that a war was somehow George W. Bush's way of finishing off daddy's business.

Mr Nolan continued:

What appears to be beyond the grasp of many of my comrades in the Left is the scale and scope of a modern totalitarian regime such as Hussein's.

It goes on and on. Further on, it reads:

Regrettably, a visceral knee-jerk anti-Americanism pervades the debate.

I think this is what it all comes down to. Love or hate America, this is not the issue. There are atrocious human rights abuses occurring in that country. This man has had 12 years to comply with 17 resolutions.

I have been involved in diplomatic negotiations with a number of countries. I saw my father and my husband do it, and I was involved in it. I know that these actions are not taken lightly. I know that, in order for us to go to war, we would have exhausted every possible avenue.

**MR SMYTH** (Leader of the Opposition) (10.43): I have another amendment that I might hold until we work out which ones get up and which ones do not. I may even choose not to move it, but the point is, where do you draw the line? After you have drawn the line, what is it that prompts you to then cross the line? I have sat and listened to most of the speeches here tonight—either in the office or down here. I am yet to hear anybody offer an alternative. There are a few things we can put on the record with which I think we all agree.

The first thing is that nobody wants a war. From most of what I have heard, most people would agree that the regime of Saddam Hussein is evil in the way it has carried out atrocities against its own people. Most of us would agree that, for decades—and certainly across 17 UN resolutions—he has avoided the requirement of the world for him to disarm and remove his weapons of mass destruction.

I ask, what more can we do? The expectation of the world was that, at the end of the Gulf war, Iraq would disarm, but it did not. The expectation after resolution 1441 was that Iraq would disarm, and it has not. Dr Blix says, "Iraq just refuses." Dr Blix's statement, which I quote, says that weapons inspectors can only achieve their objective of Iraqi disarmament if immediate, active and unconditional cooperation of the UN and the IAEA were to be forthcoming.

Dr Blix has made it perfectly clear. He has said that the key to successful inspections is not more time or inspectors, it is about Iraq coming clean with what they have.

To go back again, nobody wants a war. What do we do when somebody like Saddam Hussein, for a decade or more, simply skirts around all the good intentions of the world to disarm him—take away his weapons of mass destruction? Do we give him more time? Until when are we going to give him more time—the end of March? That is a couple of extra months—fine. Do we want to make it the end of April? Will we wait until Christmas? If you look at Iraq's track record, what are you going to do when Iraq is still not compliant? The reality is that he will not disarm.

There is one thing that seems to have an effect on Saddam Hussein, and it is the thing that, next to their own leader's regime, is probably the most destructive of the people of Iraq. He responds to one thing, and that is military force.

It is a sad conclusion to have to come to, that that must be the lesser of the two evils, when you have done everything you can, over a decade, to disarm somebody who just ignores you. He ignores the resolutions of the world; he is willing to live in luxury and comfort; apparently he takes billions of dollars to send overseas; he is willing to use his own people as human shields and move medicines away from innocent civilians for the use of the military; he is willing to inflict war and use biological weapons on his own people; and even, from what I have heard and from what Mr Pratt has said, he uses Muslim law against his own people.

What do you do with somebody like that? Where do you draw the line? Nobody in their right mind wants to go to war. Nobody in their right mind could possibly want to do that. What is the alternative? Do we just stand by and acquiesce? As we acquiesce, what is the message we send? Is it that if you front the west, the US, the British, the Australians or whoever you want to put on the line at the time, they will back down? From this backing down, you bring further contempt. From that contempt comes such a low regard for life that we see September 11, Bali and the atrocities in the Euphrates delta and the hill regions where the Kurds live.

Edmund Burke, an Anglo-Irish philosopher who witnessed first-hand the French Revolution, wrote a famous treatise on what he saw, how it affected him and how, if I remember rightly, he went from great respect for what they were trying to do with equality, liberty and fraternity, to coming to the conclusion that the only condition for the triumph of evil is that good men do nothing.

*19 February 2003*

What we do in the next couple of weeks or months will judge whether or not there is something good left in the world. We can throw up red herrings and ask, “What about here? What about there? What about that country? What about this resolution?” They are valid questions, but that does not justify not attempting to deal with this issue at this time.

The UN has put in place resolution 1441. Resolution 1441 did not demand partial compliance or limited compliance, it demanded full compliance. That was the resolution of the United Nations, and I believe that is what the security council should focus on.

You must reach a point where you say that the patience of the world is exhausted. Whilst we seek to find our level of exhaustion, we have to look at what Saddam Hussein is doing to his own people—the economic ruin, misery, death, destruction and violation he causes to his own people.

In 1991, the world followed the UN resolution and fought the war. As Iraq collapsed and surrendered, the UN stopped. Now, 12 years later, we are faced with exactly the same situation. Who in their right mind would think that that was a reasonable thing to do? I cannot believe we will continue to put it off, bear the pressure and say that, yes, we will always retreat from a position because that position will lead to war.

There is the concept of a “just war”. I have difficulty with the words “just” and “war” in one sentence! It sounds like an oxymoron. There must be a time—and I hope the time is not reached—when it truly is the lesser of two evils. One would hope, given the technologies we have, one can minimise the impact on the civilians who are always the casualties of war.

There is no war that does not have a civilian casualty. There are very few wars that do not have casualties—and soldiers would suffer. That is shameful, as well as sad. Their burden will come back and we, as a community, will carry it. What do we do? What do we logically do?

If you look at Ms Tucker’s section (2)—which I thank the Labor Party for having the commonsense to attempt to remove—we want to have a continuous program of rigorous weapons inspections. Well, we have had that, and he has not come clean.

weapons inspectors have identified further Iraqi chemical and biological weapons that are unaccounted for, including 6,500 chemical bombs, 1,000 tonnes of chemical agents, a number of 122-millimetre chemical rockets, laboratories—indications that VX agents have been weaponised.

There are two types of missiles. We know that Iraq has mustard gas, sarin VX and tabun chemical agents—and the means for delivery of them. We know they are there somewhere. We could put our heads in the sand and say, “Let’s have a continuous program of rigorous weapons inspections in Iraq, and containment through a transition from original short-term inspections to long-term inspections.” Well, he has laughed at us for a decade.



Ms Tucker suggests we lift economic sanctions on Iraq. Economic sanctions proved to be the most successful weapon against South Africa. Those sanctions started in the 1960s and took until the 1990s to finish, which is 30 years. That is a shame, because the people are carrying the burden. I have been there and spoken to them. They have told me about it.

The question is, what does lifting economic sanctions do? It allows them to re-arm. Pressurising the US to sign on to the International Criminal Court and then pursuing Saddam Hussein for crimes against humanity would be useful if Saddam would come to the court, but how do you enforce such a thing?

There have been punitive actions in its corporations that have profited from the development of weapons of mass destruction in Iraq. Clearly, certain parts of the equipment are sold for other purposes, but Saddam would use them for creating weapons of mass destruction. (*Extension of time granted.*)

We then get to full implementation of UN resolutions calling for disarmament of the entire Middle East. I have no beef with that. The issue today is Iraq. If the issue of the UN resolution was of interest, why wasn't it brought to the attention of this place when it was first established?

Give me an option which says we can change this man's behaviour. Give me an option that will work. We have heard the rhetoric—we heard people railing against the war. Everybody should rail against war. Nobody in their right mind wants a war.

Nobody who has seen the effects of war wants war. However, if you have to make a stand, what is the worst outcome? To abandon all principle and say, "We will give in simply because we cannot find another way" I believe is immoral. I think it then goes to the condition that, because we have done nothing, evil will triumph. Evil is triumphing all over the world today. If we give in on this one, what do we do then? What do we do about North Korea? What do we do about nuclear proliferation?

The dilemma in all of this is that none of the other solutions have worked. We have had 12 years of other solutions and all we have seen is the prevarication of somebody who knows how to play the game. I believe we must take a stand. Part of that stand may well be the position that says, "Yes, we are serious about it this time. It has taken 17 resolutions to get there but, as a world, we are now serious."

I hope we do it as a world. If the world chooses not to do it, what do we do? Do we retreat behind the barriers—the walls we want to put up—so we are not part of that? We are part of the world and, some days, we are part of an ugly world—Bali proved that.

I do not have an alternative to this. I wish somebody would give me an alternative that works beyond some of the items on the agenda. Churchill said that jaw jaw is better than war war, and he was right. It is better to talk and try to work this out, but what do you do when there is nothing left for you to do? Give me a solution that works. Give me something that will remove Saddam Hussein and allow what should be an incredibly prosperous country to flourish, because it is an incredibly wealthy country.

19 February 2003

Iraq can pass on those benefits to its people. Why don't they have access to medicines, decent food, proper transportation and appropriate education systems? It is because their leadership denies that to them. It would be terrible for us to acquiesce in this way and have allegations of warmongering on this side of the chamber and something else on that side of the chamber, when what we should attempt to do is talk about this reasonably and try to work out what we, as an assembly, can do.

Ms Tucker has put up a motion. That is how she is reacting to it—and I think it is well done, except that it is the wrong motion. I will reserve the right, Mr Acting Deputy Speaker, to put forward a different motion, depending on the outcomes of some of these other amendments.

Tell me how to make it better. Do not talk at me; do not yell at me; do not accuse me of being what I am not. Do not call me a warmonger when I am against war. Everyone is against war, but what do you do when there is nothing left?

The world has tried long, hard and even-handedly to obtain a peaceful resolution to this, after Iraq was defeated in one war. The question I ask is, what do you do with someone who has nothing but contempt for us—for the rule of law, and peace on earth?

Unfortunately, I say that you must remove him. If it comes to the point that it might be a war that does that, then so be it. I see no other solution to this problem. The problem with more talk is that it sends the wrong message. That is unfortunate, because, as you would all know, I am happy to talk about most things, on any occasion, for any length of time, but there does come a time when the time to talk is over.

As Burke said more than 200 years ago, "All that is necessary for the triumph of evil is that good men do nothing."

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for the Arts and Heritage and Minister for Police and Emergency Services) (10.58): Mr Acting Deputy Speaker, I want to indicate, simply and quickly, that the government will not be supporting Mr Stefaniak's amendment.

Question put:

That **Mr Stefaniak's** amendment to **Mr Wood's** amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 9

Mrs Burke  
Mr Cornwell  
Mrs Cross  
Mrs Dunne  
Mr Pratt

Mr Stefaniak

Mr Berry  
Mr Corbell  
Ms Dundas  
Ms Gallagher  
Mr Hargreaves

Ms MacDonald  
Mr Quinlan  
Ms Tucker  
Mr Wood

Question resolved in the negative.

Amendment negatived.

Question put:

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

Question resolved in the affirmative.

Amendment agreed to.

**MR SMYTH** (Leader of the Opposition) (11.02): Mr Speaker, I would like to move the amendment circulated in my name.

**MR ACTING DEPUTY SPEAKER:** Members, I am advised that the difficulty with the motion is a problem with the English. However, in the interests of the spirit of the debate, we will allow the motion to go forward because I believe the intent is pretty clear in the motion. While it is being duplicated, Mr Smyth, would you like to address the motion?

**MR SMYTH:** Mr Acting Deputy Speaker, I seek leave to move my amendment.

Leave granted.

I move:

Omit all words after "Assembly", substitute:

- 1) "notes that:
  - a) Iraq's weapons of mass destruction pose a real threat to global peace and are a threat to our national and regional interest;
  - b) Saddam Hussein's record demonstrates that Iraq will only take notice if UN diplomacy is backed by the presence of military strength;
  - c) Australia's military deployment in the Middle East serves to strengthen the UN position; and
  - d) failure on the part of the Security Council to assert its authority will harm the UN and play into the hands of Saddam Hussein, thereby making it more likely that terrorists will obtain and use weapons of mass destruction sourced from Iraq; and
- 2) calls on the Australian Government to:
  - a) continue to support the efforts of the United Nations to disarm Saddam Hussein; and
  - b) maintain a military presence in the Middle East to increase the pressure on Iraq to (i) improve its cooperation with UN weapons inspectors and (ii) increase the likelihood of achieving enduring peace and stability with diplomatic means."

*19 February 2003*

Members, the amendment simply puts the case that there is another way. Whilst deploring that anyone go to war, sometimes what you have to do is show your intent. The amendment simply gives support to the notion of stationing Australian troops overseas to show Saddam Hussein that his reign of terror has come to an end, that a line has been drawn in the sand and that it is actually now time to say, "No more stuffing around. Disarm or there will be a series of consequences."

It is important at this time to make sure that we send a clear message. If we do not send a clear message then this prevarication will go on, and 12 years from now there will be another 17 UN resolutions and the world will be no safer.

The amendment notes that Iraq has weapons of mass destruction, that Saddam's record is pretty poor; that Australia's military deployment in the Middle East serves to strengthen the UN position and that it does not necessarily mean war; and that failure on the part of the Security Council to assert its authority will damage the UN because everybody will then thumb their noses at the Security Council. We should be working through the United Nations to disarm Saddam Hussein. Maintaining a military presence in the Middle East will increase pressure on Iraq to disarm and co-operate.

**MS DUNDAS** (11.06): I welcome Mr Smyth's contribution to this debate. He did say in the substantive debate, "Show me another way," and he has put his way forward. He also talked about the need to show a clear message.

In November last year, the Assembly did send a clear message. It was a clear message that we opposed a first strike and a war on Iraq and Australia's involvement in such a war. I thought that that was a pretty clear message then. This motion, as put by Ms Tucker this evening, is again a very clear message about how this Assembly and the people of Canberra feel about having a military presence in the Middle East and about going to war as a solution to the problems in the Middle East at this point in time.

Whilst I recognise Mr Smyth's ideas, as he puts them forward, I cannot support them. Maintaining a military presence in the Middle East to increase the pressure on Iraq to improve its co-operation with UN weapons inspectors and to increase the likelihood of achieving enduring peace and stability by diplomatic means is something I find a little confusing.

I would like to make one other point. I was taught to lead by example, and maintaining a military presence to enforce peace is, to me, not leading by example. I recognise that in some cases it is necessary, and we have had much discussion about those this evening: the role of peacekeepers in East Timor and in other places around the world. But our federal government and the US are not talking about a peacekeeping force, and Mr Smyth's amendment is not talking about a peacekeeping force, but a force of war. To that end I cannot support this amendment.

**MR STEFANIAK** (11.08): Mr Acting Deputy Speaker, Ms Dundas misses the point again. She mentioned that they had already done a motion in November. That was a real blockbuster, wasn't it, Ros? It quite clearly did not work. It just brings home the point that Mr Smyth is making: it has not worked. And 17 UN resolutions have not worked because he totally ignored them. He is a dictator. He is a very nasty individual, and no number of resolutions—not backed up by force, not backed up by some threat—will have any effect whatsoever.

Dr Blix told the Security Council , on 27 January, which was after this Assembly's last resolution, "Iraq does not appear to have come to genuine acceptance—not even today—of the need to disarm." Mr Smyth has asked the Assembly to show some other way, a way that does not have to use force to make this threat—not only to his own people but to others outside his borders—disarm and do what the UN has been asking him to do since 1991. And nothing has worked.

Mr Smyth's motion is a perfectly reasonable one. Ms Dundas, sometimes you do need to use military force and exert pressure to enforce the peace. Sometimes, as an absolute last resort, when there is no other option, you do need to go to war.

Much has been made of the 1930s. Mrs Cross, very properly, referred to Hitler. She very properly referred to the complete inaction of France in 1936, when three unarmed German battalions marched into the Rhineland and the French, because they were in a huge appeasement phase then, did absolutely nothing. If France had taken action then and enforced its right, under the old League of Nations and under the 1919 Treaty of Versailles, to stop the Germans, that might well have stopped Hitler, and millions of innocent civilians and millions of men and women in the armed forces of many countries would not have died.

It was because of honest, decent people in the West who did not want war and who adopted a peace-at-any-price attitude, that dreadful dictators like Adolf Hitler, Joseph Stalin and the Japanese imperialists were allowed to get away with absolute murder. By the time they finally decided that enough was enough, it was almost too late.

The West only just prevailed in World War II. We do not want a situation like that again, especially when the weapons available to rogue states—and, sadly now, terrorist groups—are so much more destructive than the weapons available to the aggressors, fascists and dictators of World War II.

Unless force is applied and Iraq knows that the UN is serious—and I do not even know if that is going to be enough, but you need that military presence and the threat of force—you cannot ensure that this man will actually disarm. If, as Mr Smyth says, despite all that pressure he still does not, the end result may well be the use of that military force to get rid of a particularly nasty, evil human who has killed millions of his own people and who will continue daily to kill innocent people in his own country unless something is done.

19 February 2003

No-one in this Assembly has come up with a viable suggestion either to stop this man producing weapons of mass destruction and murdering people in Iraq or to alleviate the danger he poses to his own people, to the region and, indeed, to the world. None of you supporting that most laudable goal, peace, have come up with anything that will do that, and I think Mr Smyth's motion is sensible and worthy of support.

**MR ACTING DEPUTY SPEAKER:** Before we proceed, on that matter of the grammar in Mr Smyth's amendment, I would like to point out to members the change to the motion. At the end of (d) at point (1), it should read:

; and

2) calls on the Australian Government to:

We will let the *Hansard* record the change to that motion.

**MRS DUNNE (11.16):** I rise in support of Mr Smyth's amendment. The great problem with the motion that Ms Tucker has brought forward—again, not to doubt the motives of Ms Tucker—is that the suggestions she puts forward have been tried and they have failed. They have been found wanting.

Every element of Ms Tucker's motion goes to the fact that there is no viable alternative being offered by Ms Tucker. First of all, she says that there is no clear evidence that there is an immediate impact on Australia and its allies. Unfortunately, this is what Neville Chamberlain said about Czechoslovakia in 1938. Earlier today, Mr Hargreaves said it was not in our geopolitical sphere, so we shouldn't worry about it. That is exactly what Neville Chamberlain said about Czechoslovakia: "It is a little country a long way away, and we do not know very much about it." That was the beginning of appeasement.

We have appeased and appeased for 12 years. And what has Ms Tucker come up with as a solution? That we do away with economic sanctions. Where has the Left been? Where has the Greens movement been? Where have the people been who, all through the 70s, 80s and 90s, proposed economic sanctions against South Africa? They worked for South Africa, but they won't work for Saddam Hussein. There is constant intellectual dishonesty and inconsistency in the positions being put forward. We can be upset about Tibet, but we do not show much interest when it comes to Iraq.

The original motion puts forward a whole lot of tried and tested suggestions that failed comprehensively over 12 years, and this is why this house should adopt the amendments put forward by Mr Smyth.

**MRS CROSS (11.17):** I support Mr Smyth's amendment, although the sentiment in some of the points could have been a little bit firmer. Mr Smyth says here that Australia's military deployment in the Middle East serves to strengthen the UN position and that Saddam Hussein's record demonstrates that Iraq will only take notice of UN diplomacy backed by the presence of military strength.

Well, that is thanks to the United States, not the UN. It is the United States that bit the bullet and decided to go in, and it was only then that Saddam Hussein took their threat seriously. Before the United States said, "That's it. We're going in," the Iraqis were denying they had anything. Then all of a sudden they discovered some documents that were misplaced. In support of Mr Smyth's amendment—

**Mr Wood:** We're sitting here talking about these serious issues, and who gives a stuff? Who gives a stuff?

**MRS CROSS:** What's up, Mr Wood?

**Mrs Dunne:** He doesn't like being here at 11.00.

**Mr Wood:** I don't mind. I want to do the next one

**MR ACTING DEPUTY SPEAKER:** Order! Mr Wood, Mrs Cross has the floor. Order, members!

**MRS CROSS:** I got elected. I am happy to work until midnight if I have to.

It is important that we note this:

Indeed, past sins to which the US and its allies were a party make the obligation to put things right all the more imperative. What better gesture to make amends to those who have suffered under the Ba'ath regime than to be their liberators—albeit belatedly. Disqualification based on past conduct, remember, would have disqualified Australia from any role in liberating East Timor in 1999.

Lest anyone is fooled into believing that ordinary Iraqis strongly support their nation's dictator, Hussein, consider the work of the Brussels-based International Crisis Group, headed by former Labor Foreign Minister, Gareth Evans. In its informal survey of Iraqi opinion in September and October 2002 in large Iraqi cities, it noted that a significant number of the Iraqis interviewed, with surprising candour, supported the overthrow of Hussein, even if such a change required an American-led attack.

The international community should meet its obligations to the people of Iraq to rebuild the country, to develop democratic institutions based on tolerance and to allow its people access to the benefits derived from its oil wealth. The price of that intervention must be that the international community is to be kept to its word in Iraq as much as in Afghanistan even when more immediate issues distract the attention of decision-makers. This task to redouble the campaign for human rights, the rule of law, and secular, tolerant democracy is the far, far preferable option than do nothing.

British Prime Minister Tony Blair has articulated such a challenge powerfully and persuasively. It's just a pity his Labor party comrades here have failed to heed his message.

**MR PRATT (11.19):** Mr Speaker, I rise to support Mr Smyth's motion. It is clear, it is concise and it packs a very firm message. It does offer a solution, and I don't see—

19 February 2003

**Mr Wood:** It'll fix it! Absolutely! It's the answer!

**MR ACTING DEPUTY SPEAKER:** Order! Mr Pratt has the floor.

**MR PRATT:** I remind the Assembly again that 500,000 Iraqis have died at Saddam's hand over the last 12 to 14 years, including lots of up to 100,000 on at least two occasions. Conservatively speaking, 2,000 to 3,000 Iraqis have died monthly over this period. Australia's contribution is morally important. A presence helps to add some weight to the UN sanctions, and we have an important role to play in that.

In response to an earlier comment tonight about predeployment, Western military forces—and Eastern military forces, for that matter—always predeploy months ahead of an operation so that they can acclimatise, settle in with their allied forces and learn compatibility. That is a pretty fundamental tenet.

Saddam is a past master at brinkmanship, and he continues to play a cat-and-mouse game. In some people's views he is actually being coached by certain superpowers on how to push that brinkmanship. I remind you that the Russians still have an \$8 billion series of debts that they seek to recover from Iraq, so they have very strong interests in that country. The French have had \$3.5 billion worth of programs of exports over the last decade, including weaponry.

If we are talking about bringing this thing to an end to solve the misery and suffering of Iraqis and bring stability to the Middle East, a damn solution has got to be put on the table. I do not see any solution being offered here tonight, so I return to the original point.

For those who promote simply going on the way we have been going on and simply exercising and supporting the idea of so-called "containment", this means that Iraqis will continue to suffer and die in far greater numbers than what some people allege will be the civilian casualties that may occur—horrible as that thought is.

Question put:

That **Mr Smyth's** amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 9

Mrs Burke

Mr Stefaniak

Mr Berry

Ms MacDonald

Mr Cornwell

Mr Corbell

Mr Quinlan

Mrs Cross

Ms Dundas

Ms Tucker

Mr Pratt

Ms Gallagher

Mr Wood

Mr Smyth

Mr Hargreaves

Question resolved in the negative.

Amendment negatived.



**MS TUCKER** (11.25): Thank you, I will close the debate. I thank members for their contribution tonight. It was pretty uncivilised to begin with, but thankfully it settled down and I think it was a useful debate. I would like to respond to just a couple of points that were made, starting from the beginning.

Mr Pratt and a number of members spoke about the human rights abuses of Saddam Hussein. I am not sure why they thought it was necessary to spend quite so much time on that. I have never at any point suggested that there were not human rights abuses in Iraq. In fact, my motion makes quite clear that, through the International Criminal Court, he should be pursued. Someone made the comment that he would not go there. Well, no—not many international criminals go there easily; that is one of the points of the International Criminal Court. Our own government does support that statute, as I have already pointed out in the motion.

I won't rebut a lot of things that were said because I would be repeating what I said in my original speech, and I am not going to bother going back over it. Maybe people were not listening; I am not sure. But that is one point.

Mr Pratt was into the name-calling stage of the debate, saying that it was naive—and whatever else he said. I did quote General Peter Gration extensively and, if Mr Pratt thinks he is naive and off with the fairies, or “left looking for relevance”—as Mrs Dunne's not-name-calling speech put up—well that is fine. Also, if Mrs Dunne thinks that the faith communities of Australia left people looking for relevance, well, that's fine too. But there is a very broad coalition of people in Australia who do not support John Howard's foreign policy on Iraq.

Mr Pratt also said that people were offering sustenance to Saddam Hussein. That is a serious misrepresentation of what I said in my motion. I made it quite clear that I thought he headed a dangerous regime.

I think I need to make the distinction between appeasement and containment. Some speakers spoke a lot about appeasement and referred back into history. Containment is not appeasement, and I am sure people realise that. There is a very clear difference. Military experts are recommending containment, and they are not calling it appeasement. It is quite a different thing.

People have talked about pacifism. I am not a pacifist—just in case people were thinking I was—but I am someone who is interested in seeing policy being determined based on information and hearing arguments that are informed. In this instance, it is my view—and obviously the view of many other people from whom I have gained a lot of the information in this session today, people who are experts in this field—

**MR ACTING DEPUTY SPEAKER**: Order, members! I am having difficulty hearing the member.

**MS TUCKER**: that this war is not justified. That is quite a different position to being a pacifist.

19 February 2003

Mrs Cross said that the US had made some mistakes—and we all do—but that they learned from their lessons. Since the Second World War, the United States has bombed 21 countries: China, Korea, Guatemala, Indonesia, Cuba, Congo, Peru, Laos, Vietnam, Cambodia, Lebanon, Grenada, Libya, El Salvador, Nicaragua, Panama, Bosnia, Sudan, the former Yugoslavia, Iraq and Afghanistan. None of them have a stable democracy at this point in time, so maybe we need a different way of dealing with conflicts in countries around the world. There are certainly lessons that America could learn from its own violence.

Mr Berry was correct when he said that the arguments have shifted. It has, in fact, been commented on internationally that Bush, Blair, and Howard are now suddenly talking vigorously about human rights, which had not been a focus at the beginning of this debate. Then it was all about weapons of mass destruction, and the weapons inspectors have not said at this point that there is justification for going in. So, they are shifting the debate to human rights abuses.

There are real ironies in that, in particular from the speakers from the Liberals. We have had debates in this place about human rights abuses from a number of countries, and I have raised a number of them. China is a good example of where we had a very strong argument from the Liberals that, despite the human rights abuses there, they knew that the right thing to do was encourage them into the world community. That way they would get to understand how to behave better.

There are real inconsistencies in how the Liberals are working with that. Of course, that is about trade and that is about money. People have been reading lots of other people's articles. I won't read this whole article because I don't think it's particularly appropriate, but I am happy to refer you to a recent article by Hugh McKay, who says that free trade comes—

**MR ACTING DEPUTY SPEAKER:** Order, members! Hansard have enough trouble as it is.

**MS TUCKER:** This is for Hansard's benefit. I am referring to Hugh McKay's article, "Free trade comes with strings attached." He refers to the very interesting position the federal government took on China, and the Dalai Lama in particular, and how interesting it was that on the one hand they are interested in human rights and on the other hand they are not if there is trade involved.

Now, of course—and I have not mentioned this yet tonight—we have the insidious relationship being made between trade and this war. The horrible connection is now being made by the United States—this is also in Hugh McKay's article—implying that, if we are good supporters of the United States' military ambitions, we are more likely to get a free trade agreement. I think everybody should be extremely concerned about that.

We have been told that we are inconsistent because we supported the South African sanctions. The South African sanctions actually worked; the sanctions in Iraq have not worked. The sanctions in Iraq have caused incredible misery for very many innocent people.

**Mr Cornwell:** He brought that on himself!

**Ms Tucker:** I actually heard Mr Blair arguing that the other night, too. Mr Blair was saying, "Look, it is Saddam Hussein's fault that these hundreds of thousands of children have died because he could have done something." But what Mr Blair would not say is that, if the economic sanctions weren't there, that would not have happened. No responsibility is taken by Blair for that. It is just blame shifting.

I also want to respond to Mr Stefaniak. I don't know if I heard properly, but I think he said 20,000-odd civilians—can I get clarification?

**Mr Stefaniak:** He gassed 25,000 people with unknown chemical weapons.

**MS TUCKER:** Okay, he gassed 25,000 people in Iraq after the Gulf War. Let me give you the figures that came out of this well-referenced report—I have tabled it in this place previously, so I do not need to do it again, and you are all aware of it—which has footnotes and references for the statistics that are here.

The most reliable estimates of Iraqi military deaths during the war range from 50,000 to 100,000. When 3,500 to 15,000 civilian deaths are added, the short-term Iraqi death toll is in the range of 53,500 to 135,000. Military sources estimate the number of wounded at three times the number of deaths.

This would suggest a total of at least 300,000 wounded Iraqi combatants. It goes on:

An estimated 110,000 civilians died in 1991 from the health effects of the war, bringing the total number of Iraqis who died as a direct consequence of the Gulf War to around 205,000. The health of many more was weakened in the longer term. Many people were internally displaced, 750,000 remain so today and around 9,000 homes were destroyed or damaged.

The United Nations is now predicting at least 500,000 casualties if this war occurs in Iraq. We are hearing people talking about the tragedy of what has happened in Iraq. I do not disagree that there has been a tragedy in Iraq, but to impose another war on Iraq is not going to solve that problem. It is going to cause ongoing problems for Iraq because—I mentioned this in my original presentation but I will mention it again—knowing the devastation to the environment around Iraq and the devastation of their capacity to have a society that works means this has to be seen as a totally negative enterprise. I thank members for their support tonight.

Question put:

That the motion, as amended, be agreed to.

19 February 2003

The Assembly voted—

Ayes 9

Mr Berry  
Mr Corbell  
Ms Dundas  
Ms Gallagher  
Mr Hargreaves  
Ms MacDonald  
Mr Quinlan  
Ms Tucker  
Mr Wood

Noes 6

Mrs Burke  
Mr Cornwell  
Mrs Cross  
Mrs Dunne  
Mr Pratt  
Mr Stefaniak

Question resolved in the affirmative.

Motion, as amended, agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

**Assembly adjourned at 11.37 pm.**