



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

12 March 2003

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## Wednesday, 12 March 2003

The Assembly met at 10.30 am.

*(Quorum formed)*

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

### **Mental health outreach workers—proposed recruitment**

Debate resumed from 5 March 2003, on motion by **Ms Dundas**:

That this Assembly, recognising the need for more Mental Health Outreach Workers to provide support for people leaving emergency accommodation, calls on the ACT Government to make the recruitment of more Mental Health Outreach Workers a high priority for the 2003-2004 financial year.

**MS TUCKER** (10. 32): I will be supporting this motion; I think it is an important matter for the Assembly. The recent *Needs analysis for homelessness in the ACT*, produced by ACTCOSS; the Assembly select committee's *Status of women in the ACT* report and the recent *ACT SAAP Mental health needs report* all come around to the same point in regard to mental health services.

The recommendations of the *ACT SAAP Mental health needs report*, June 2002, include “the allocation of additional resources to provide outreach support to SAAP service users with mental illness upon exit into the community,” and the related “additional resourcing for non-clinical and clinical support for service users experiencing ‘mild to moderate’ mental illness.”

Recommendation 1 of the Select Committee on the Status of Women is that the government:

- a) extend outreach services in the community sector to meet the needs of disadvantaged and isolated women who may not be in a position to access current programs;
- b) investigate the provision of funding for outreach workers to support women with mental health issues and their dependent children.

People marginalised by mental illness, homelessness and dysfunction are too often trapped in a cycle of crisis, chaos and then a slowly pieced together recovery, followed by another crisis, more chaos, and so on. In addition to the experience of these extremes for the persons themselves and their close families and friends, being out of control has flow-on effects on physical health, employment and maintaining housing—and losing housing has all kinds of other implications.

It is mental health workers and outworkers and social programs and activities who are needed to promote mental health and build resilience in people who are vulnerable to the cycle I have described.

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As the various recent reports have noted, it is not just mental health crisis support that is needed to break this cycle, and there is real and continuing criticism of mental health crisis services in the ACT, which does need to be addressed, such as:

- that they often refuse to come when called;
- that they dislike some clients and seem happy enough to advise carers of that fact; and
- that half the time it is the police who have to provide the necessary intervention.

It is not specifically more crisis support that is needed; it is ongoing contact and support. This is particularly true for people moving out of supported accommodation. There is nothing to be gained from pushing people out into independent living only to see them flounder without the support they need. The lurch from temporary recovery to crisis, or to slow disintegration, is both lonely and debilitating.

Research sponsored by the Australian Housing and Urban Research Institute looked at what helped people living with mental illnesses to maintain their housing in Victoria. It found that in both private and public tenancy arrangements an ongoing contact and support is necessary. The ongoing outreach contact works because it develops a partnership with the person living with mental illness. When it is a regular check-in, if things are beginning to deteriorate, that can be addressed early. Regular contact means issues can be dealt with early, before the person concerned gets to the stage of seeking extra help.

Toora have gone through the process of assessing their work and the needs of their clients and have found a strong research and evidence basis for outreach work because it is flexible and can deal with individual needs. Toora provided several case studies, and I would like to read a couple of them today. Names have been changed to protect identity.

Gillian is 35 years old and has accessed Lesley's Place via referral from the psychiatric ward at Calvary Hospital. Gillian's diagnosis is bipolar disorder, and she also uses significant amounts of cannabis. She has three children, all of whom are currently residing with their grandparents. She was admitted to the ward after an acute episode and has been involuntarily admitted to the ward nine times in the last 15 years. Lesley's Place has assisted Gillian in making the transition from the hospital back into her government house.

She is extremely unhappy in her house and has put in three priority transfer applications in the past 18 months. This has been because of both actual and perceived violence in her neighbourhood. Her ongoing inability to manage her environment and life with any consistency inevitably leads to her feeling overwhelmed and often results in an episode such as the recent one.

Due to her long history of mental illness, Gillian has very few support networks in place. In the past she has been unwilling to access mainstream mental health services because she has significant difficulties with trust. This distrust has been exacerbated by her numerous involuntary admissions.

She also feels very uncomfortable when she is in an office setting where the focus is solely on her, and this can cause panic attacks. At times she finds using public

transport overwhelming, creating difficulties for her in keeping scheduled appointments.

Upon discharge from Calvary Hospital, Gillian was assigned a mental health worker from her local community centre. She attends some appointments, which focus on the acute aspects of her illness and her compliance with her medication regime and tend not to touch on aspects of her life more broadly. Her caseworker forms the opinion that, as she is taking her medication and her mood has stabilised, she is managing quite well.

However, when a Lesley's Place worker visits Gillian at home, they find no edible food in the house, food rotting in the fridge, dirty dishes covering the benches, unopened mail piled up, dirty washing scattered through the house and no clean clothes. The curtains are drawn shut, the lights are off, the house is filled with cigarette smoke and the ashtrays are overflowing. Gillian spends most of her time like this in front of the television.

Here is another case.

Shannon is a 19-year-old woman from Ethiopia who came to Australia on a sponsored visa for two years to reside with her sister. However, the accommodation became unsuitable when Shannon's sister married soon after Shannon's arrival. She then became both physically and verbally abusive towards Shannon.

Shannon spoke almost no English, did not know anyone else in the country and rarely left the house. Eventually, the continuing violence resulted in the neighbours calling the police. Shannon's only option then was to access crisis accommodation with Toora Women Inc. Shannon presented to the service with no apparent drug or alcohol issues and was later referred to a Heira house. Heira is the organisation's domestic violence service.

Heira workers, in conjunction with the Migrant Resource Centre, assisted Shannon in applying for a residential visa in order for her to continue to reside in Australia. Shannon's initial application was refused. However, a successful appeal of this decision enabled Shannon to stay in the country. Workers at Heira worked intensively with Shannon for several months. Almost all communication needed to be done through the telephone interpreting service. They assisted her in appealing Centrelink's initial decision that she was ineligible for any benefits.

Shannon left Heira after nine months to live in private rental share accommodation. This was the first time in her life she had not lived with her family. Soon after, things took a turn for the worse. She discovered she was pregnant and had a termination. Not long after, Shannon attempted suicide by drinking cleaning products. She was evicted from her accommodation and admitted to the local psychiatric ward for a week.

Shannon returned to the refuge for a short period of time but was asked to leave due to serious security breaches that compromised the safety of other residents. Shannon returned to the Toora house, where she stayed for a short time before leaving on her own terms. She had become increasingly unmanageable and even violent and was exhibiting behaviour consistent with post-traumatic stress disorder.

She was unable to obtain private or public housing. Shannon was now homeless and unsupported, with her serious mental health issues. With support, Shannon had been

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able to attend CIT English classes, appeal her Centrelink decision, access counselling in relation to the violence she had experienced and make contact with mental health workers.

However, without some ongoing and transitional support, Shannon was not able to successfully manage the move to independent accommodation and her life became increasingly unmanageable.

They are just two examples, which I think show very clearly what the purpose of outreach workers is and how critical they will be in people's lives. We are not going to get anywhere in mental health until we start to accept that all of us to some extent have issues of mental illness in our lives and that we all need, or will need, mental health support in our lives.

Until all decision makers, all journalists and all celebrities can start to see themselves—see ourselves—as mental health consumers, there will never be enough resources at this level. A number of celebrities, bravely, do stand up and say they have a mental illness, but as a whole it is still too easy for us to turn our backs.

I am not saying that outreach work will deal with this, but it is part of the social context of mental illness and the background of how difficult it seems to get so-called “dual diagnosis” well treated. The recruitment of more mental health outreach workers is, however, only one element of what is required.

I recall an interesting article by a Mr Tom Stirling in the *Canberra Times* about a year ago, describing the work of official visitors. (*Extension of time granted.*) I have had several meetings with Mr Stirling myself. In the letter he spoke particularly of the role of official visitors, an occupation that he pursued back in the 70s under Brian Hennessy. He wrote very eloquently about the value of this work and of how it was about contact and support for people.

We can also talk about Rainbow, where they make meals, go to the coast and build lives with each other. That is so fundamental to feeling okay and getting on with your life. That is not about mental health outworkers, but very clearly it is about support, belonging and, to some extent, resilience.

Or we could look at the whole group house model and imagine what the lives of people are like who, with varying degrees of functionality, are thrown together and housed in Ngunnawal, let's say. How would the minister cope in a group house with Mr Pratt, Helen Cross and Greg Cornwell, for example, and with a support worker coming once a week to take them all shopping together? That might have problems.

At the clinical end of the spectrum, what we are doing is for people who really need institutional support: people who are in the PSU because there is nowhere else to go or people who have just left the PSU and now have nowhere. Mental health outreach workers may not be enough for those of us in that state.

Nonetheless, in the context of mental health services in the ACT, a clear message is coming both from research and from the sector, as noted in several reviews—that outreach work is an essential preventative and early intervention service. I am very pleased to support this motion.

**Mr Cornwell:** For the *Hansard*, I am not sure I want to be associated with Mrs Cross.

**MS MacDONALD (10.44):** Thank you, Mr Speaker. Ms Dundas has raised an important issue for us in the ACT. Like the Minister for Health, I am happy to give this motion my general support—with a couple of provisos. The first relates to the importance in these tight economic times of ensuring that limited government funds are spent on clearly demonstrated areas of need. The second is a plea that the community be involved in the determination of these priorities.

It is a source of deep regret that, after seven years of Liberal government in the ACT, we rank poorly in comparison with other states and the Northern Territory. I note with alarm Minister Corbell's reference to the Commonwealth figure showing ACT mental health expenditure at 18 per cent below the national per capita average.

However, I wish to commend the current minister, former minister and this government for moving quickly to address the shortfall. We have exceeded our election commitments for this area.

We promised an additional \$1 million but instead delivered \$2 million in the 2002-03 budget. This is no more than this vital area of health care deserves. I will not repeat the range of initiatives outlined by the minister but do want to put on record my support for the speed of the government response across child, youth, respite and other mental health services.

Ms Dundas calls on the government to make the recruitment of more mental health outreach workers a high priority for the 2003-04 financial year. I can see why and I laud her interest in this area. However, this is where I start to have some difficulty with Ms Dundas's motion. I do not believe it is appropriate to consider this motion in isolation from the range of competing priorities facing mental health services in the ACT.

Simply put, the state of mental health in the ACT when the current government came to office was such that additional resources were required almost across the board. The question was less about what needed additional funding but what did not. This is the essence of rational government: the responsibility to allocate scarce resources based on assessed priorities. I am prepared to support this motion as a matter of principle; the good intentions that underlie it are clear. However, the government must be able to determine which services are more deserving than others.

With resources scarce, we must be all the more clear about the process of determining priorities for funding. Ms Dundas's contribution, while welcome, does not deliver this clarity. There are different services, different service models and different needs. It is the government's responsibility to decide the highest priority and which kind of service best meets identified needs. I support the minister's call for the development of a strategic approach to mental health service development. Responses in the past have looked knee-jerk. In fact, I would go beyond that and say they have been knee-jerk.

Governments have a duty to people with mental health problems, and to the broader ACT community, to deliver a more strategic approach to service planning and delivery. I understand that the new five-year mental health strategy and action plan for the ACT

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should deliver this more comprehensive approach. I am aware that considerable work has already been undertaken by the steering committee towards the new strategic plan and would suggest that Assembly members take this opportunity to become better acquainted with it. Have a look at the ACT Health web site. Get in contact with the committee.

The multidisciplinary nature of the steering committee is a model for good policy development, and the level of interest shown during the recent consultation sessions is a clear marker of the level of community interest.

The second key issue I have with the motion is that its links to the community are not clear. The government's new strategy and action plan will take into account community and consumer needs. It will not be limited to a discussion about outreach workers; it will cover all aspects of mental health in the ACT, including health promotion, prevention and early intervention. It will address key issues of work force planning, which is emerging as a vital concern for:

- mental health promotion, prevention and early intervention;
- work force planning needs, which is a critical issue to address where any new services are being planned; and, importantly
- the critical interface between health programs and other areas of human service provision that impact on people's mental health.

The new strategy and action plan will assess the needs of the most vulnerable in our community, including youth and others at risk of mental illness. But perhaps most importantly, it will not do that in isolation. It will not be a one-hit wonder. It will be based on thorough and deep consultation with the community, so that it is reflective of real rather than perceived needs. We cannot afford to do otherwise.

I want to reinforce the minister's comments that this government is going about the business of planning and delivering mental health services in a strategic and consultative way. We want to get this right and we want consumers, carers and the community to be satisfied with the plan.

From a personal perspective, I have spoken before in this place about my own dealings with my mother, who has been diagnosed with a mental health problem. She is a manic depressive and suffers from dementia. I have to say that at times having more outreach workers in the community would assist her. But there are other times when it is absolutely necessary that she get the critical and acute care that is needed.

While I agree with what Ms Dundas is saying, we need to look at the entire mental health system, which is what the five-year plan is about. As such, I am prepared to support this motion—as the government is—but I view it as only a small element of the much larger and more critical task of government to meet the mental health needs of the ACT community in the longer term.

**MS DUNDAS** (10.51), in reply: I thank all members of the Assembly for recognising the need for more mental health outreach workers, particularly to provide assistance for people who are leaving emergency accommodation. Ms Tucker's comments and the case studies that she mentioned highlight the desperate need for outreach workers to go into



the community and help people in their transition from intensive support services to re-integration into the community.

I will also take a moment to respond to some of the comments made by the Minister for Health during this debate. Although he recognised that more mental health outreach workers were required, he quibbled with the wording of my motion, stating that it was not specific enough. He said that it was not clear whether I wanted new workers to be engaged by the government or by community organisations. He also said that I was not clear on whether the workers should be registered psychologists or people with relevant work experience.

In response to that, I simply say that any additional resources would help. The government gets more services for its dollar by funding NGOs to engage workers because people in the community sector are, as we know, paid much less than those in the public service. Although trained psychologists presumably have relevant and useful skills, people with counselling and support skills developed on the job are unquestionably able to make a difference to people's lives.

There seems to be bit of confusion about how we present motions for calling on the government to undertake something. If we are too specific, we are providing too much detail and limiting the executive in their ability to do their jobs. If we do not provide enough information, then we are not being clear enough in what it is we want. Hopefully, we can find a balance in this so that we can all just agree on the issues at the core and get on to implementing them as part of public policy.

And as I have said, as few as three or four additional workers attached to non-government organisations—who have relevant work experience but not necessarily any psychology qualifications—would make a significant difference to unmet demand and could cost as little as \$200,000 to \$250,000. I suspect that, if I had put forward a very specific proposal for the employment of these workers, the minister would have declared that I had got it wrong and that the government would know best about what was the most appropriate employment model.

I thank members for their support of this motion and their recognition that we need to look after those people seriously in their time of great need, not only working with them as they go into crisis but also helping them stay out of crisis and in their transition back to the community. We all recognise the work that is being done and the continued work that needs to be done in the area. I thank members for their support.

Motion agreed to.

### **Withdrawal of words used by member**

**MR SPEAKER:** Mr Quinlan, in light of some comments made by Mrs Dunne, I have reviewed the *Hansard* of 6 March 2003. There are some words there that I would like you to withdraw, which I have advised you of. They are as follows: “There was a conscious, deliberate process of misinformation.” Would you withdraw them?

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming): I am happy to abide by your ruling, Mr

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Speaker, and withdraw those words. But I anticipate that it is a matter we will have to return to. If I might be permitted to say that—

**MR SPEAKER:** You will have to seek leave to speak. I would prefer you to withdraw that in your usual gracious manner.

**Mr Quinlan:** That is fine.

## **Woodland conservation and land releases**

**MS TUCKER (10. 56):** I move:

That:

- 1) given the work currently being undertaken on the Spatial Plan (including the work on land capability) and the ACT Woodlands Conservation Strategy, as well as the inquiries resulting from the recent bushfires (including the non urban land study examining the best long term use of land used for softwood plantations); and
- 2) given that areas of high and very high conservation value (including in East O'Malley) have been identified for development in the land release program and community concerns that the revenue from these land sales have already been factored into the next budget;
- 3) This Assembly calls on the Government to:
  - a) revise the residential, commercial and community land releases program in light of the outcomes of these processes/inquiries; and
  - b) review the Territory Plan to ensure that all areas of high and very high conservation value yellow box/red gum grassy woodland and natural temperate grassland are given long term protection.

I have moved this motion because the bushfires, although tragic and devastating, have presented us with a valuable opportunity for a rethink.

While none of us wanted these fires, as a community we are trying to respond as positively and thoughtfully as we can, and to that end the government has instigated several specific studies, which it then wants to feed into the broader work being undertaken on instruments to guide Canberra's future development, in particular, the Spatial Plan.

The Greens support coherent planning and policy-making—and any effort on the part of the government to be holistic and coherent in these areas is likely to be something that the Greens support. In the past we have condemned ad hoc policy making and planning, such as existed under the previous government, and we have supported this government's intention to base its policy and planning decisions on sound information.

While we have often heard the Liberals say, "Not another study—tell us what you plan to do," the Greens have not tried to make political mileage out of the government's need to base its policy and planning on the best possible information in order to make sound, coherent and well-integrated decisions.

It is in that spirit that I move this motion today. There are several important studies going on in respect of land use and related matters, and we want all areas of planning to benefit from them. I understand also that at this stage in the government's term, it would want to be seen to be not just considering things but also acting upon them. But there are times for prompt action, and there are times when it is appropriate to take another look at earlier decisions in light of new information that has come forward since those decisions were made.

Our concern is that several areas of land that have been identified for development through the land release program were included on the basis of old information and in the absence of the understanding that we can expect to gain through these studies and processes. It is likely that the outcomes of these processes and inquiries will demonstrate that it is inappropriate to develop many of the areas previously identified for development, such as Lawson, Forde, Bonner, Kinlyside and east O'Malley.

We know more about ecology and the importance of preserving endangered grassy woodlands than we knew when these decisions were made. And when the new ACT woodlands conservation strategy is completed we will know even more.

We know that woodland was the characteristic vegetation, covering 25 per cent of the Australian continent prior to European settlement. We know that only 25 per cent of good quality remnant woodland remains in the ACT. In the broader region of south-east New South Wales there is only some 5 per cent of the original yellow box/red gum woodland left. The white box woodland has been practically wiped out. In 1997 yellow box/red gum woodland was declared an endangered ecological community.

We also know that, despite the efforts currently being made to protect woodland areas, the region's bird life is still in decline and we need some good, solid scientific work to find out why. Yes, another study!

The saga of the yellow box/red gum stand of trees on Nettlefold Street, Belconnen, illustrates the problems we have—and the cost to the community—when there is disharmony between the planning regime and the mechanisms for protecting important trees, wildlife habitat and community amenity.

While some of these trees will be protected—to the extent possible on the site of the commercial liquor barn—other important trees will be felled, and the community is losing out as a result. Although Environment ACT had been advising government of the need to protect this area for several years, the former Liberal government nonetheless sold the land for commercial development. And although the Commissioner for the Environment pointed to several problems with the process and the community has been urging the government to either reacquire the land or facilitate a land swap, the community has as yet had no joy from the minister.

What we are trying to get to is a situation where our important natural treasures are identified and protected first, so that our planning and development takes place around what we as a community have decided we need to protect. But too often we see these natural treasures sacrificed to a drive for development while the community watches and despairs.

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The ACT woodlands conservation strategy will identify the areas of high and very high conservation value that we need to protect. And we were pleased that the minister, in response to our motion, deferred the sale of land in east O'Malley pending the completion of this study.

But we are concerned to hear reports in the community that the government is no less wedded to its plan to sell this land, which would mean the destruction of significant areas of high and very high conservation value—which could simply be unnecessary.

The woodlands strategy, the bushfire inquiries, the non-urban land use study and the forestry industry study all have their part to play in informing Canberra's spatial plan and Canberra's future planning and development. Particularly relevant is the study to determine the most appropriate long-term use of land, including the land that has been used for softwood plantations.

If this work were to lead to the opening-up of new areas for greenfields residential development that were not available when decisions were made to include other areas in the land release program, then this is an important consideration to take into account in making territory-wide decisions on what areas should be developed and what areas should be protected.

It may well be that Canberra's need for further urban development can be better met by using already environmentally degraded land, thereby avoiding the need to bulldoze endangered remnant woodland to make way for houses.

It is now appropriate that we reconsider some of the decisions that underpinned the land release program in times gone by.

There are budget implications from reviewing the land release program. The government is making current ACT budget decisions based on anticipated revenue raised from land sales over the next few years. Our worry is that it will be these budget imperatives that drive the government's decision making rather than a considered, holistic territory-wide appraisal of what the most important areas are to protect and, in light of that, what the best areas are to make available for future development. We would not like to see the situation where inappropriate areas are developed because the government's bottom line is resting on the revenue from land sales.

Our concern in this regard is not restricted to east O'Malley, although we suspect that it is this area that faces the most immediate threat. With Lawson, Bonner and Forde and Kinlyside as well, the Canberra community would benefit from the government taking a step back, considering its own studies and processes and then taking another more considered look.

This is an opportunity—both for the community and for the government. A commitment by the government to revise the land release program would in the future avoid a community debate over each parcel of land as it goes to auction, as has been occurring in the case of east O'Malley.

Does the government really need to have a battle with local communities over the destruction of endangered woodland as each new phase of development begins? Isn't it far better to revise the land release program in light of these inquiries and processes and review the Territory Plan—in consultation with the community—to protect these areas so that we have sound environmental protection in place and sensible land release planning operating around that?

In the interest of successful planning and governing for the community, I urge members to support the motion.

**MR CORBELL** (Minister for Health and Minister for Planning) (11. 05): Mr Speaker, the government clearly understands the sentiment Ms Tucker has raised in her motion, and it is true to say that a range of studies that deal with future land use is currently being undertaken. Among these is the spatial planning work, which is looking at what has become known as “future urban capable land”—that is, land potentially available for urban development but not currently designated as such under the Territory Plan.

There is also other work being done for areas identified as non-urban land. That revolves around the potential future of the land occupied by the territory's softwood pine plantations. Then there is the work currently being undertaken by the government through the ACT woodlands conservation strategy, which is looking particularly at the yellow box/red gum grassy woodland community. A range of analyses is under way.

The government does not disagree with Ms Tucker that the land release program needs to be revised in light of any findings of these pieces of work. That is what the government does now. It will continually revise the land use program to respond to new circumstances and new pieces of information coming to light.

That is why we deferred the release at east O'Malley. That is why other land was withdrawn from the land release program and alternative parcels of land, wherever possible, were substituted. So the government is doing that now, and the government has no disagreement with point 1 of the second part of Ms Tucker's motion. It is point 2 of the second part of Ms Tucker's motion that the government has some concern about.

That part calls on the government to review the Territory Plan to ensure that all areas of high and very high conservation value yellow box/red gum grassy woodland and natural temperate grassland be given long-term protection. The government believes that this approach in itself pre-empts the result of the studies that are being undertaken.

The whole point of the analysis being conducted through the woodlands conservation strategy is to determine the best way to ensure the ecological integrity and effective protection of those remnant parcels of yellow box/red gum grassy woodland. Ms Tucker herself pre-empts those studies by saying that all of those high and very high quality woodlands should be protected—even if they are isolated pockets, without any connectivity and without any capacity to ensure the overall protection of this ecosystem as a viable ecosystem.

There is very little point, apart from an aesthetic one, in protecting a very small stand of trees, with no effective understorey, in the middle of an urban area. There is very little

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argument for that, even if the trees themselves are of very high quality. Protecting them would not improve connectivity with, say, adjacent nature park areas; nor would it ensure an effective representative protection of this type of community.

I will use the Nettlefold Street trees as an example. There you have a very small stand of trees in the middle of a developed area with no connectivity to any larger area of that community, and Ms Tucker suggests that those are the sorts of areas that should be protected.

Aesthetically, they are very attractive places. And aesthetically, the government is responding to that by ensuring that as many of the high quality trees as possible are retained. But the stand does not have high ecological value in itself, and that is essentially the issue that needs to be addressed in the motion today.

I foreshadow a motion that I have circulated, and which I will move later, which proposes to amend Ms Tucker's motion. The intent of the amendment is to make a point that areas should be given protection when they are in sound ecological condition, relatively intact and effectively connected with other similar areas of habitat—because the real value of protection is ensuring a viable ecosystem overall. The real value in protection is to ensure that you have an ecosystem that is functioning well and delivers a habitat for birds, animals and the flora in those ecosystems themselves. That is the intent of my amendment.

I will just take a step back and look more broadly at the strategic issues here. It is an unfortunate fact of planning in the ACT that many areas were designated for residential land use that have subsequently been identified as having high conservation qualities. The most pressing front in this regard is the north Gungahlin area. North Gungahlin, by its very topography, is the type of landscape that, prior to European settlement, had an extensive yellow box/red gum grassy woodland community on it.

Because of the land management practices of the territory since it was created, there have not been the same incentives to clear land as there have been in other jurisdictions, even in areas immediately outside the ACT. We have been fortunate, in that these stands have remained and there are remnant areas of this community in place. But it presents our community with a real difficulty. We have predicated—and all the conservative assumptions have been—that for the next 25 to 30 years, greenfields land release will be mostly satisfied by the construction of Gungahlin. Having effectively completed the first stage of development of Gungahlin, we are now turning to north Gungahlin. That is exactly where these ecological communities are.

So we have some choices. Do we continue development in north Gungahlin, or do we say the environmental issues are more important than the social and the economic—which is what any sustainability debate needs to be about? And do we accept that the trade-off for protecting large stands in that area is urban growth in another direction or urban consolidation or some balance between those? That is the question we now face.

An issue in the very real and immediate future that is worth highlighting is land release in Forde/Bonner. Forde/Bonner does have significant areas of yellow box/red gum grassy woodland in it, but it does not have connectivity with broader areas of that

community. Yet Forde/Bonner is potentially one of the suburbs for release in the near future.

The Conservation Council has made a submission that would have all areas of yellow box/red gum grassy woodland, including fragmented areas, protected. The government has not made a decision on this yet but, if the government were to accept that, it would be very difficult to release any land in Forde or Bonner, which would mean two suburbs of Gungahlin not being built.

These are the very difficult and real issues that we face as a community, and the question this Assembly must debate is the question of sustainability—economic, social and environmental. There are economic and social costs that come with decisions to not release land for development. At the end of the day, it might be entirely legitimate that we accept those costs because we believe the environmental imperative is the overriding one in that circumstance.

But when we have these debates, I do not want the Assembly to just debate the environmental aspect. Members also need to have in their minds the economic and social impacts of any decisions we take. The conclusion I am coming to is that we have to make clear decisions about whether the protection of every fragmented piece of this ecological community will address the sustainability objective we have for our community overall and whether it will prejudice the outcomes for our community in a social or economic sense. Those are the decisions we must make.

The government has already undertaken an extensive range of programs to address nature conservation activity, particularly for these communities. Ms Tucker has referred to the east O'Malley land release. The government has not taken a decision to release or not release east O'Malley. We are waiting for the results of the review and for the draft woodland strategy, which is the review of the existing action plans for yellow box/red gum grassy woodland, six threatened birds and two threatened plants. That draft plan is expected to be prepared by the end of April.

As I foreshadowed at the time the government announced its decision to delay the release of east O'Malley, we will await the release of that draft plan before taking any further decision. That is still the timetable the government is operating to. The priority, as always, is that we establish priority species and communities to ensure that resources are directed to achieve maximum effect in any conservation activity. That was a commitment of the government before the election, and it remains our commitment.

The woodland strategy will be an input into the Canberra spatial planning process, and the government will review land releases in the light of that process. The government continually reviews land releases whenever new information comes to light.

The final point I would like to make in relation to east O'Malley—as Ms Tucker raised it—is that significant areas of east O'Malley have already been protected. I saw a letter in the paper the other day that claimed that the government was building on Canberra Nature Park when it was proposing to build east O'Malley. That is simply not the case. East O'Malley is not part of Canberra Nature Park; it is residential land, designated as such under the Territory Plan.

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However, following assessments in the past 18 months—which resulted from previous reviews of Action Plan 10—62 hectares, or just over 70 per cent of the total original area of east O’Malley, have now been incorporated into Canberra Nature Park. Those 62 hectares are being protected now, as the government is proceeding with a variation to the Territory Plan to give effect to that protection. I stress that the government is not oblivious to these issues. The government is working on these issues in a considered and deliberate way.

I move the following amendment circulated in my name:

Paragraph 3 (b) –

Omit “all areas of high and very high conservation value yellow box/red gum grassy woodland and natural temperate grassland are given long term protection.”;

substitute “areas of yellow box/red gum grassy woodland and natural temperate grassland that are of sound ecological condition and relatively intact and connected with other similar areas of habitat for threatened species are given long term protection.”.

That is a more deliberate outcome than one that recognises that every single area, regardless of its relationship to relative areas of the same ecological community and regardless of its overall ecological condition, should be given immediate protection. This is about ensuring an appropriate balance between the social, economic and environmental issues that we have to consider.

**MS DUNDAS** (11.20): I will also address the substantive motion. The recent bushfires have sparked a flurry of planning activity because the loss of so much of the ACT forest estate has provided the opportunity to quickly re-assess how we are using our land in the ACT.

We have a very valuable opportunity to reshape the development of our city, but we should not let haste lead us to forget about the valuable planning and conservation assessment processes that were already under way before the bushfires struck. With so much happening so quickly, it is almost certain that some aspects of the planning process will go awry. This motion, moved by Ms Tucker today, is intended to address a particular consideration: conservation of our most threatened ecological community.

Woodlands and grasslands across Australia are among our most endangered communities. They were easy communities for pastoralists to move their stock into at the time of European settlement because of their open structure. Most woodland communities were largely cleared during the first 50 years of European settlement in the region. In the ACT and surrounding regions a number of woodland and grassland communities are teetering on the brink of extinction, and the yellow box/red gum grassy woodland is the most notable.

The review of Action Plan 10, which deals with the endangered yellow box/red gum grassy woodland community, was under way before the fires and was due, I understand, to be completed in about two months’ time. The development of the woodlands



conservation strategy also began last year and, I understand, was due for completion in this year.

Last year we saw the government defer the release of residential land at east O'Malley, which supports some high quality and lower quality areas of the yellow box/red gum grassy woodland. The ACT Democrats commended the government for their decision at the time but, like the ACT Greens, we hope that the government protects this valuable area for the longer term.

The existing commercial, community and residential land release program, which runs for four years, was obviously developed without the benefit of information collected as part of either the revision of Action Plan 10 or the development of the ACT woodlands conservation strategy. It seems reasonable to revisit the release program in light of this new information because I do not think it is true to say that the protection of this endangered community was the most contentious issue surrounding land releases in 2002.

The Territory Plan was substantially developed by previous governments and does not have enough emphasis on the protection of endangered ecological communities. Considering that the plan will certainly be revised to implement the outcomes of the non-urban land use study, this motion is not calling for a separate round of amendments. It just requires incorporation of biodiversity considerations in the review process.

It would be optimal if the government ensured that the woodland strategy work done to date was directly incorporated into the non-urban land use study as an overlay, along with the overlays identifying infrastructure constraints. I hope that this will be the outcome of this motion.

In relation to the amendment, I hear the government's concerns that the motion goes too far in calling for all areas of high and very high conservation value yellow box/red gum grassy woodland to be given long-term protection. But I think substituting it with what the minister has put forward, goes back too far the other way.

The motion as it currently reads calls on the Assembly to:

- b) review the Territory Plan to ensure that all areas of high and very high conservation value yellow box/red gum grassy woodland and natural temperate grassland are given long term protection.

The key phrase there is "all areas of high and very high conservation value", which I assume would include areas of sound ecological condition but would also encompass those that have importance to the surrounds they are in and are on the brink of being no longer viable. If we then step in and say, "We do not think this has sound ecological condition or is relatively intact, and we should disregard it," we are ignoring the point that we are looking at areas that we deem need to be conserved, whether or not they are in the best state at this point in time. If we can intervene now, we will be able to maintain them and ensure that in the future we will have this very important part of our ecological community sustained.

I understand the minister's concerns, but the motion as it stands does not call on him to find every yellow gum/red box grassy woodland in the ACT and put a fence around it. It

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calls on him to identify the areas of high and very high conservation value and to protect them. Hence, I will not be supporting the government amendment, but I see the motion moved by Ms Tucker today as able to be incorporated into the work that the government is already doing. I hope that the Assembly supports it.

**MRS DUNNE (11.26):** This is a very timely debate and one that we need to have. I take heart from the minister's thoughtful presentation today. This is a very important issue. It is one about endangered communities, and we have to be mindful about the importance of our endangered communities. While we are talking about yellow box/red gum grassy woodlands and the endangered grass species that go with them, we also have to be mindful of that other endangered community: Canberrans in search of affordable housing.

I am concerned that the broad thrust of the motion, if applied, would effectively mean the end of the land release program in the territory. The minister has made a very thoughtful plea for real talk about sustainability. Members in this place like to talk about sustainability, but the harder we squeeze the land release program and development in this territory, the more likely we will be to force home builders and home owners over the border into urban sprawl, which is hardly sustainable. The more we squeeze the land release program, the less likely it will be for us to have a sufficient supply of housing to meet the demands of the changing demographic of Canberra and the less likely it will be for us to have affordable housing.

There is often an inconsistency in our debate. It is a delicate balance. It is very easy to say that we need to save the bush; at the same time it is very easy to be opposed to proposals for infill and redevelopment in our cities. But if we take up both of those propositions, we will have no greenfields development or redevelopment in the inner city. We will have nowhere for Canberrans to live. The housing stock will diminish, and the quality of the housing stock will deteriorate—not just at the bottom end of the market but right across it. And the impact of that will be that people will have less quality housing and will be paying more for it. Surely that is an economic downside.

Ms Tucker talked about natural treasures being sacrificed to a developer's drive. It is easy to take a position on one side or the other of that debate, and what the minister has called for today is a thorough and thoughtful debate about the whole issue of sustainability. That is not just environmental; it is also social and it is economic. One of the big social and economic issues for this territory is the provision of affordable housing—not just a reasonable entry price, as I keep trying to say, but a reasonable whole-of-life cost of running things. That is how much money you spend on commuting, whether you commute on public transport or by private vehicle.

Ms Tucker has raised some very interesting issues that need to be explored, not just today but on an ongoing basis, in the Assembly. We have touched on the issue of fragmented areas of trees like the ones on Nettlefold Street. That is a hard issue for a member. There is a great push one way or the other: we should save the trees or we should have the development. Which way do we go? The government has tackled a very difficult issue here and, although it is not going to be popular with everyone, it is just about the right solution.

If Mr Corbell were not the minister sitting on this side of the chamber, I would question whether he would have the attitude he has today about Nettlefold Street. It is a big test for Mr Corbell to see that, when you are in government, there are a few more issues that you have to take into consideration. I am glad that he has risen to the occasion and attempted to come up with the right balance of solutions for Nettlefold Street—not just Mr Corbell, but the minister for the environment as well. That issue is going to have to be translated, as the minister said, across a lot of areas throughout the ACT in the next few years.

This should not be the end of the debate today. We should be having an ongoing discussion—in here, in the communities and in the committees of this Assembly—about the real sustainable answers for Canberra. We need to look at alternative places to build our homes because, if we make decisions in relation to endangered ecological communities, we have to find alternatives. That means that we have to be open to building houses where we have not previously thought of doing it. We have to be open to new brownfields developments of the sort envisaged at Kingston Foreshore.

The advantage of brownfields development is that, for the most part, the services and utilities are there, the cost of developing land should be cheaper and that cost should be passed on to the householder. So there should be many economies in brownfields development that should help us bring about affordable housing—again, not just at the entry price. Brownfields developments are often innercity or on the fringes of the central business district, which means that commuting is more economical as well.

We have this tension in the ACT, which is really coming to a head as we look at where we are going as the result of the bushfires. The pine forests are degraded areas that are now even more degraded because they are burnt out, and we have to come up with innovative ideas that will make them sustainable economically, ecologically and socially into this century and beyond.

We have to make decisions about what we plant, where we plant it and whether it is good for the recreational needs of the people of Canberra and the backdrop of Canberra. Is it going to prevent a bushfire threat in the years to come? All of these things need to be addressed. At the same time, we need to address the issue of where we build our housing for the best social and economic outcomes for the people of Canberra.

I thank Ms Tucker for bringing this motion to us today. It is a good way of starting off a debate that should be ongoing. As it stands on the notice paper, the Liberal opposition was feeling uncomfortable about supporting it, but we have no problem in supporting the amendment put forward by the minister. On that basis, if the amendment succeeds, we will support the motion.

**MS TUCKER** (11.34): I will speak to the amendment. I will not be supporting this. I am interested in the language used here. If I am pre-empting by putting this motion, then the minister is pre-empting by amending it. I do not accept the argument of pre-empting, with regard to the studies. This is about setting a specific principle in place. For that reason, I do not see that it is pre-emptive. I thought it would be a principle worthy of debate, and I was hoping it would be supported.

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The amendment is using slightly different language. I am certainly not belittling the notion of connectivity—of course, that is important—but there is scientific discussion around the value of fragments, as well as the value of remnants. There are certainly scientists who, when we want to talk about Nettlefold Street, would be arguing that the process there has not properly taken into account the value of that area—and not just the aesthetic value. There are very old trees there that are used by bird species. Those trees have allegedly been incorrectly identified—two scientists have told me that now—so it does not give you a lot of confidence in the process currently underway, just on that site.

We have the words “that are of sound ecological condition” in Mr Corbell’s amendment. I do not understand why that is inconsistent with the notion of high and very high conservation value yellow box/red gum grassy woodlands. I thought that high and very high conservation value yellow box/red gum grassy woodlands were of sound ecological condition and relatively intact. But what does that mean? Maybe we have a different language now. Maybe we are judging differently what is high and very high conservation. I do not know where this has come from. What is “relatively intact”?

I am concerned about this language. I do not know where it is coming from and, because I do not know what it means, I will not support it. I know what “high and very high conservation” means, so I will stick with that.

Question put:

That **Mr Corbell’s** amendment be agreed to.

The Assembly voted—

Ayes, 12

Noes, 2

Mr Berry

Ms MacDonald

Ms Dundas

Mr Corbell

Mr Pratt

Ms Tucker

Mr Cornwell

Mr Quinlan

Mrs Dunne

Mr Smyth

Ms Gallagher

Mr Stefaniak

Mr Hargreaves

Mr Wood

Question so resolved in the affirmative.

**MS TUCKER** (11.43): In closing the debate, there were a couple of points made to which I would like to respond. I will start with the last speaker, Mrs Dunne. She was talking about what she saw as the tensions between needing to house people in the town community, but also protection of the environment. I agree that that tension exists, but the debate today, which we so often have in this place, is on where to draw the line.

I make the point again that there is only some 5 per cent of the original yellow box/red gum woodland left in our region. We must take a regional perspective in any discussion on this endangered ecological community. It is a very serious situation that we have to deal with in our region, with only 5 per cent left.

The notion that, if we save these sorts of areas, we are not going to be able to house people; that they will therefore go over the border; and that that will not be sustainable, can be challenged easily by the position that I, and the Greens, have always taken.

We have not opposed increasing density around facilities—public transport, commercial centres and so on. We have not opposed in-fill on car parks, for example. We have supported community concerns about filling in ovals and parks, which the previous Liberal government chose to do—or attempted to do. We have hectares of land in this city that we could be developing for medium-density housing. That is accompanied by a viable public transport system, so we do not require very much public space for parking.

Mrs Dunne also said she was reflecting on the position Mr Corbell now holds, and asked what his position would have been if he had been sitting on the other side on this issue. That is a good question—I was thinking the same thing myself. I would also say how interesting it is to hear Mrs Dunne speak so passionately about affordable housing, when that call was ignored for the previous two terms of government.

I am very disappointed with what has happened with developments such as Kingston foreshore. As far as I can see, there is still no real understanding of affordable housing accommodation there. I think there may be some notion of affordable housing in the latest one—the Metropolitan.

As to Mrs Dunne's position in the previous two Assemblies—working with Mr Humphries—they were an absolute, shocking failure in respect of their responsibilities regarding affordable housing and the environment. For both major parties, the notions put by them change, depending on whether they are in government or in opposition.

I would be interested to know from Mr Corbell exactly how many hectares of land we are looking at for potential residential development, since the fires, and how that compares to potential other suburb development, such as Gungahlin. That is interesting, but it is not going to be the definitive factor that will determine whether we can afford to protect endangered ecological communities such as the yellow box/red gum grassy woodlands.

As I said, we would have the capacity to house many more people in this city, if we were filling in places such as car parks. We certainly need to look at the issue of how to house people. I am in no way belittling that need or that concern. That is something the Greens have been raising for several years in this place.

Mr Corbell talked about social sustainability and, when looking at sustainability, the need to take into account broader questions than the physical environment. I don't think it is negotiable. On these particular ecological communities, we should be protecting what is left and taking a regional perspective. I cannot believe we are even having to have the debate, to be honest. That is the bottom line for the Greens.

The second point is about social sustainability and what it means. I will talk about Nettlefold Street a bit more, because it is an interesting example of what it means to a

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community to have a place like that. The aesthetics of it will not be the same if we have a liquor barn there. To suggest otherwise is laughable. On a couple of occasions, I have sat on that block with concerned residents. I have been very interested in the strong community response to any presence on that block, which is saying, “Keep this block as it is.”

I have been to a lot of places where you say, “Toot if you care about this.” I have sat at protests, and I have sat at different locations where that has been a mechanism used by groups who are dissenting from the government policy of the day. “Toot if you agree” or “Toot if you don’t agree.” I have never seen such activity as that at Nettlefold Street—except maybe at the South African Embassy. There was a lot of tooting at the South African Embassy when we were opposing apartheid.

The number of people at Nettlefold Street was very interesting. They didn’t just toot—they were gesturing and yelling out their windows, “Yes, we like this space!” This is about a sense of place. A sense of place is something you have to link into notions of sustainability. It is about what makes us human, and what makes us work as communities. You cannot belittle the notion of the aesthetic, of the sense of place, and the meanings these sorts of places can have for people. In addition, at Nettlefold Street, there are arguments for its ecological value, but I have already covered that.

In conclusion, I appreciate members’ input in this debate. It is one that will continue. I understand Mr Corbell’s amendment is up, so this motion will be supported, as amended. I appreciate the fact that the minister is revising land release programs and taking into account everything that has been happening—that gives some hope. I wait with interest to see what this language about “sound ecological condition”, “relatively intact” and “connected with other similar areas of habitat” means in respect of decisions made by the government in this area.

Motion, as amended, agreed to.

## **Clean Up Australia Day**

**MS MacDONALD (11.50):** I move:

That the Assembly:

- (1) congratulates the Clean Up Australia volunteers; and
- (2) expresses concern at the amount of rubbish continuing to be generated since Clean Up Australia Day began in 1990.

Our city looks a lot cleaner after Sunday, 2 March, and so do our roadsides, waterways and reserves. This is thanks to the 1,540 hard-working Clean Up Australia Day volunteers, who removed 36.5 tonnes of rubbish from 60 sites in Canberra. The day’s volunteers were a mixture of families, individuals, businesses and community groups. About 320 school students also participated. Organisers hope many more people will take part in next year’s event.

A special mention has to go to the volunteers of the Hall Bushfire and Emergency Service Brigade, who collected three tonnes of dumped household items after protecting properties during the January bushfires. Almost 200 business volunteers took part in Business Clean Up Day on Tuesday, 25 February, while 1,490 students from nine schools participated in Schools Clean Up Day on the Friday.

As always, the Lions Club, Rotary Club, Neighbourhood Watch, volunteer bushfire brigades, Park Care, Land Care, guides, scouts and church groups put in a fantastic effort on Clean Up Australia Day. An example of the type of person we should thank is Don Thomas, of Conder. Mr Thomas joined my group, cleaning up the area around Lanyon marketplace. I quote from the letter he subsequently sent to me:

After I parted company with you... I returned home to cook my younger daughter's Sunday dinner (at age 32 she still likes me to cook for her!). After which, at 3pm, I returned to our work site to complete what I intended to do there. When I finished at 6pm I was only too pleased to return home to get a hot shower to ease my numerous aches and pains.

Whilst we should be grateful to all the volunteers, we must also be concerned that a Clean Up Australia Day is still needed, more than a decade after the initiative began.

Mr Speaker, my Clean Up Australia Day group received a great many words of encouragement from passers-by—if only they had come with offers of help! One woman passed me as I was picking up cigarette butts—I picked up 267 around one tree. She then walked along, calmly flicked her cigarette butt onto the ground, stubbed it out and walked into the shopping centre. I suppose she wanted to give me something else to do.

Cigarette butts might be small, but they are a big problem. The Environment Protection Authority estimates that they take up to 15 years to break down. The residue left in butts contains toxic chemicals that pollute the environment. Numerous butts are found in children's playgrounds. That was one of the areas I did not get to on the day. Unfortunately, the playground at Lanyon marketplace is still a disgrace. I might have to go back there, to pick up the rest of the cigarette butts.

It is unsafe for young children, who have been known to eat cigarette butts—and the poison that comes with them. If that is not bad enough, littered butts cause more than half of all fires in the built environment, according to the 1995 annual report of the New South Wales Fire Brigades.

The same report stated that flicked cigarette butts cause 1,200 grass and bushfires in Australia each year. It is estimated that 4.5 trillion cigarette butts are littered world-wide every year, and more than nine million in New South Wales alone. To put this into frightening perspective, EPA figures show that butts littered in New South Wales alone would span four-and-a-half times around the planet, or 180,000 kilometres.

Mr Speaker, with the butts I was picking up, it was not for want of ashtrays that these butts had been deposited on the ground. Attached to all the bins at Lanyon marketplace are ashtrays for people to use to put out their cigarette butts.

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Cigarette butts are carried into the water supply by wind and rain, and have been found in the stomachs of young birds, sea turtles and other marine creatures. The chemicals threaten both the lives of these animals and the quality of the water. Cigarette butts consistently make the top 10 rubbish items lists after Clean Up Australia Day, despite the fact that Australians should know better.

Of course, cigarette butts are not the only problem. Clean Up Australia Day organisers single out plastic bags as having a devastating impact on our natural environment, with more than 6 billion plastic bags used every year by Australians. On average, 60 bags were found at each clean-up site. Plastic bags take between 20 and 1,000 years to break down in the environment. It is certainly something for us all to think about, the next time we go grocery shopping.

In Canberra this year, cigarette butts and plastic bags were joined by car parts, household items, furniture, carpet, glass bottles, tin cans, drink bottle tops and more. Much of this could and should have been recycled. It is disappointing to note that rubbish levels this year were about the same as in the previous two years.

Organisers were pleased that only 10 needles were recovered from parks—a significant reduction from earlier years. However, it wasn't all good news with regard to needles, with 50 needles recovered in Fyshwick on Business Clean Up Day.

It is important to learn lessons from Clean Up Australia Day. We must be careful not to make a mockery of Canberra's No Waste by 2010 policy by turning a blind eye to the city's litter problem. We should—and I personally do—thank all of our volunteers. We should also acknowledge the problem, note our concern and consider all initiatives to improve the situation. After all, Clean Up Australia Day, which now attracts more than 600,000 volunteers across the country and has inspired a Clean Up the World Day, began when one man, Ian Kiernan, decided to organise a group of volunteers to clean up Sydney Harbour.

I believe it is important, Mr Speaker, to remember the old adage that one person can make a difference. Ian Kiernan's actions have certainly done that. He has opened the floodgates to a whole host of volunteers but, of course, we need to be ever vigilant to try to reduce the rubbish in our city.

**MR CORNWELL (11.58):** At one stage, I wondered whether Ms MacDonald was starting a debate on the anti-smoking drive. However, I noticed, towards the end, that she made other comments.

Mr Speaker, I suppose the motion before us is stating the bleeding obvious. It is an unremarkable statement, but the opposition joins with the government in congratulating Clean Up Australia volunteers—and numbers of us here participated.

May I say, however, that we do not have to clean up Australia just one day of the year. I hope there are plenty of people out there in the community who will clean up Australia every day of the year. It is not a difficult thing to take a plastic bag with you when you



go on your early morning walk, as my wife and I do, and pick up cans and bottles—we picked up one of each this morning—that are thrown onto the side of the road. I will give more of that later.

I am interested in the comments Ms MacDonald made about the person who dropped the cigarette butt. Why didn't you pick them up for littering—make a citizen's arrest? It is all very well talking about this. The fact of the matter is that we are not prepared to really address cleaning up the environment if it involves us personally and causes us to take some action. I think that is a deplorable situation.

What is even more deplorable, Mr Speaker, is that this year I understand that, in spite of the government's talk about congratulations being extended to the volunteers of Clean Up Australia, the government's support for the activity did not extend to Griffin Promotions. I understand that, this year, the government cut their budget by half. So much for a Clean Up Australia commitment.

There is another point I would like to make, which is relevant to the government's commitment. Mr Wood points to the Treasurer. Yes, I am willing to accept that he is probably to blame.

There are a number of matters which concern me about the government's initiative in relation to litter in this territory, which involve Clean Up Australia. I appreciate there are many things that we cannot do until national decisions are made relating to packaging and deposit legislation. These matters have been debated in the past, and will no doubt be debated in the future. Although we cannot do much to reduce this, there is a great deal we can do in relation to the law in the territory and—I repeat—the enforcement of it.

I have been asking a number of questions on notice of the Minister for Urban Services relating to litter. One question I asked some time ago was about the government's policy on the provision of litter bins.

**Mr Wood:** It is the same as yours, actually.

**MR CORNWELL:** Yes. This Labor Government has not changed the policy—from that of the previous government.

**Mr Wood:** It is your policy.

**MR CORNWELL:** The answer I received says:

In relation to litter removal in urban as well as national parks, it has long been accepted that people using neighbourhood parks and other public places are responsible for the collection and disposal of their own litter, including dog faeces. In most instances, this means that people would take their litter home for either composting or hygienic disposal in their wheeled bins.

Mr Minister, please—let us go back and put our feet on the ground. “In most instances this means that people will take their litter home.” What a load of baloney!

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**Mr Wood:** That is what I do.

**MR CORNWELL:** You may do it and I may do it. What about the other 320,000 people who live there? What happens when somebody is drinking soft drink from a bottle, or eating something at a bus stop, when the bus comes along? You cannot eat and drink on a bus. What do you do? You deck it.

**Mr Wood:** No.

**MR CORNWELL:** If there is not a bin there, it just goes onto the ground. You say no, Mr Minister, and I say no, as do most other people. It is unrealistic of any government to expect people to take these things home. The fact is, human nature being what it is, most of them will not do it. We need bins at bus stops and in other public areas. You have only to look around public areas with rubbish bins—some people can't even walk across and put their rubbish into a bin. What hope have you got, if there is no bin at all?

The second question I asked was, "How many charges for littering have been attempted?" For 1999-2000, 49; for 2000-01, 49; in the half year—2001-02 to 31 December 2001, 28. We have had 31, 35, and 17 infringements paid in that time for a mind-boggling \$5,700, \$7,750, and \$3,700—some commitment to litter; some commitment to fighting the litterbugs around this town. That is an appalling figure.

Ms MacDonald stands up here and talks about concern at the amount of rubbish continuing to be generated since Clean Up Australia Day began in 1990. I can tell you this, Ms MacDonald—your government is doing nothing to stop it. Until we start taking action against litterbugs in a very harsh and heavy manner, it is not going to work.

We all have a responsibility to this, just as people outside do. There is nothing to stop us from reporting litterbugs—but, of course, that does not always work either. The Minister for Urban Services promised that an updated Litter Act would be introduced. It was expected to be introduced in the Assembly during the spring 2002 sittings.

I admit that Mr Wood came back, in answer to my question about this, and said:

The proposed legislation is currently in the early stages of development and the government proposes to introduce the Litter Bill in the Autumn 2003 sitting period.

I notice it is on the autumn list, and I thank you, minister, for that. I will also be looking and expecting—as you well know because I have written to you about it—that I would like an amendment to the Litter Act so that the registered owner of a motor vehicle receives the infringement notice if somebody litters from that vehicle. At the present time, we have a situation where whoever throws the rubbish out of the vehicle is liable for the fine. Guess what happens? "I was not driving it". That is what happens—the owner simply states they were not driving the vehicle. "I am sorry. I don't know who drove it. We have three children and they all take the car", et cetera.

I suggest we introduce a rule similar to the rule we have for speeding fines. As you know, businesses were saying, "I am sorry, we have no idea who was driving the vehicle

at the time. There is no way we can possibly track it down.” So the government of the day said, “All right. The fine for that will be \$500. If, on the other hand, you can find somebody who was driving it, then they will be personally responsible.” I think it is something over \$100. Most businesses suddenly discovered it was a good idea to track down who was driving the vehicle at the time.

I do not see any difficulty about this. If we put the infringement notice out against the owner of the vehicle, they will very quickly discover who was driving their car at the time the offence occurred. I think that is common sense—otherwise, they can pay the fine themselves.

In spite of the worthiness of the motion, which says that the Liberal opposition supports the congratulations to the Clean Up Australia volunteers, I am afraid that your government, Ms MacDonald, has not done a great deal to counter the amount of rubbish continuing to be generated since Clean Up Australia Day began in 1990. I suppose that criticism could be directed to most governments around the country.

The fact is that, if we are going to be fair dinkum about litter—if we are going to try to maintain the bush capital image, the concept at least that Australians have of Canberra being a clean and beautiful place—then we are going to have to start enforcing the laws to a much greater extent than we have to date.

What happened within a week or two of Clean Up Australia this year? I suggest that, if you go down to Conder, Ms MacDonald, you will find that there is just as much litter lying around there. Maybe there is not as much, but certainly the litter is once again building up at Conder. What do we have to do? Just go through the token motion that one day a year we all get out—or some of us get out—and clear our consciences by picking up the rubbish?

No. If we are genuine about doing something about this, we must increase the penalties, or at least change the law to enable penalties to be applied, and then apply them. A few names in newspapers for litter offences would do no harm at all. I commend those suggestions to the government.

I notice the Minister for Urban Services has been present and listening very carefully. I notice that my colleague, Mr Wood, is assiduous in being present for matters relating to his portfolio. I hope he has taken aboard the comments I have made. Minister, if we are going to be genuine about this, we need to take much tougher and firmer action on the matter. However, we certainly support the motion of Ms MacDonald.

**MS DUNDAS** (12.11): I will return to the intention of the motion, which is to talk about Clean Up Australia Day. I am glad to extend my thanks and congratulations to the community-spirited people who participated in Clean Up Australia Day a couple of weekends ago.

Litter is a problem of great concern to the community. There is no question that neglected areas covered with litter attract illegal dumping and become eyesores. I believe that an annual clean up of public areas does make a difference. This is one of many examples of the contribution volunteers make to our community and our community wellbeing.

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I also commend the participants in the event for promoting the No Waste by 2010 target. The government and the community need constant reminders that the target of No Waste by 2010 is something we all have to take responsibility for, if we are to achieve it. Unfortunately, though, the government's handling of public liability insurance problems relating to Clean Up Australia Day activities in the ACT has left a lot to be desired. For two years in a row, schools were uncertain as to whether their students would be able to participate—right up until a few days before the event.

I think it is important that students are able to participate in Clean Up Australia Day activities. Targeting educational programs at our students promotes an understanding of the surrounding environment, and the individual responsibility and care students need to take to look after the environment. Hopefully, this will assist in the long-term issues Mr Cornwell has raised.

The Clean Up Australia Day organisation provides public liability insurance for all participants in its events, yet in 2002 the ACT Insurance Authority concluded, without justification—that I could see—that children could be left without insurance coverage if they participated in the Schools Clean Up Day. In that year, no public schools were able to participate. This year, the insurance authority ran the same argument. The result was that participation by public school students was limited to within the school gate. That is definitely a better outcome. Students were able to, on this special day, not just pick up rubbish on their school grounds, which is something that I think most school kids do every day, but were able to be part of the national program of Clean Up Australia Day and the benefits that come with that.

The limit to within school grounds was not consistent with what I believe is the original spirit of Clean Up Australia Day. It is about showing ownership of and pride in all public areas we use and enjoy in our daily lives. The educational aspects of the Clean Up Australia Day event, particularly relating to sustainable management of the land, would have been hampered by this outcome.

We have a year to sort this out for 2004—the insurance questions, what we want our students to be doing to learn about litter, environmental issues, the No Waste By 2010 strategy, and how they will be able to participate. Hopefully, this debate today will be the first day in the context of being able to work out what happens with Clean Up Australia Day in our schools next year. Then the same situation will not prevail—that, less than a week out from the schools event, schools were still not sure whether their students would be able to participate.

Despite that, I support this motion. It is important that we congratulate the volunteers in our community, who take their personal time to contribute, in such an important way, to looking after the environment. Yes, there is concern about the amount of waste we are still generating in this community, not just in litter but waste going to landfill. We need to come up with new strategies for dealing with the waste.

A broad range of strategies have been discussed in this chamber—the need for bio bins and the need to look at the number of plastic bags generated by our supermarkets—and also how to prevent the build-up or generation of waste in the first place.

I thank Ms MacDonald for bringing this motion to the attention of the Assembly today. A number of issues have been raised. I hope we do not end up having this debate again in a year, without those matters being sorted.

**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) (12.16): I have been suitably chastised by Mr Cornwell because we have continued to follow his government's policies in respect of litter.

**Mr Cornwell:** No—in respect of litter bins.

**MR WOOD:** And the bins. That is part of what Clean Up Australia Day is all about—it is our responsibility to deal with rubbish. If we create rubbish, we should deal with it.

Mr Cornwell, when I was in opposition I had briefings about that very issue. I remember the words well—that it is our responsibility to take care. That is what the day is all about. If we create rubbish, we must dispose of it. As you say, it is the case that not everybody is of that view. We simply don't sit down and say that that is bad luck, and that we must put a bin in every corner of the place for the others. We have worked through a long process to convince people that they need to take extra care.

Ms Dundas raised the issue of insurance, which in some areas continues to bedevil us. She has given us a year's notice here. Dealing with insurance is not my area, but we will see if we can sort out some of the issues she raised.

The point about the proposed motion is that well over 1,000 Canberrans gave up part of their recreation time to get out and improve the look of the city. Mind you, those people are not the only ones keen to enhance the view of the town.

We do not yet have the full figures for the amount of rubbish collected on that day. In recent years, the amount of rubbish collected has been increasing. I think that is due to getting into more areas, or different areas, and extending the scope. However, last year—2002—the figures showed a welcome reduction on the figures collected in 2001. Litter is a continuing cause for concern—there is no question about that. I do not want you to think, Mr Cornwell, I am taking this lightly, because it continues to be a major problem. The government is carrying on programs. We have recently launched Clean Up Your Act—or your ACT, whichever way you want to read it—Don't be a Tosser campaign.

These campaigns do not work totally. However, if you keep working on them, promoting them and keeping the message out there, I believe that, over a period, things improve. When you go back perhaps 20 years or so, and think of the amount of rubbish that littered the roadsides compared with today—when you remember some of those early campaigns about putting rubbish into the bin—I think that, over a period, you can see that these campaigns do have some impact.

As Mr Cornwell said, we are reviewing the Litter Act with a view to strengthening the legislation, including the widening of fines available to enforcement officers. We are continuing that very good Adopt a Road program that some people get quite involved in.

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Several times a year, you will see the volunteers out there cleaning up the roads. That is a good program. Mr Quinlan assures me he is still part of it. I do not drive in that area very often, but I believe you can see his name up there.

**Mr Cornwell:** What—the cleaning up or the part cleaned up?

**MR WOOD:** He is a great sponsor, and does that job very well.

All this is part of the no waste strategy which commenced in 1996. That strategy looks to a waste-free society, where materials we no longer want are regarded as assets or resources—not waste—and, hopefully, landfills will no longer be required.

The amount of waste disposed of at ACT landfills was reduced to 220,000 tonnes last year. That is still quite a lot, and indicates the distance we have to travel to reach the target. It is good to note that nearly 400,000 tonnes of material that would have gone to landfill were diverted to resource recovery, with major increases in the levels of garden organics, demolition waste and metals recycled.

In addition, a guide titled “Recycling at Public Events in the ACT” Has been developed to provide advice and assistance to organisers, to enable them to recover more recyclables and minimise waste disposal. The folk festival, which will be underway over Easter, is a good example of that. For some years they have provided recycling facilities on site.

**Mr Cornwell:** Will there be more funding next year for Clean Up Australia, minister?

**MR WOOD:** I believe that the blues and folk festival, which is coming on in a very short space of time—a new festival in Canberra which looks like being another great event—is also undertaking that sort of activity.

The Clean Up Australia Day continues to get our support, Mr Cornwell—not always in the same financial measure, but it has our support. We look to the volunteers—that is part of it. That is part of the reason for some of our actions. We look forward to, in future years, continuing a good program. Perhaps one day it will no longer be needed.

**Sitting suspended from 12.23 to 2.31 pm.**

## **Questions without notice**

### **Land rates—new system**

**MR SMYTH:** Mr Speaker, my question is to the Treasurer. Treasurer, yesterday, in reply to my question, you made the following comment in relation to proposals from your government for changes to be made to the system of determining rates in the ACT. You said, “So the government is certainly moving to introduce some equity into the system.” What does your modelling show would be the impact of your new rating system?

**MR QUINLAN:** The only modelling we have is one draft. That says that, if you don't

tinker with the system, your rates income will increase at a greater rate than CPI. At any given time in the past, if you modelled the rates formula, you got the same result.

**MR SMYTH:** Mr Speaker, I have a supplementary question. Treasurer, will you table that draft?

**MR QUINLAN:** I am happy to provide the Leader of the Opposition with a briefing or something on it. However, there may be a dramatic picture that would give a misleading image of what may happen. Remember I discussed at some length yesterday the need each year to make judgments, as governments have in the past, as to the level of rates, or the formula that will be applied to the unimproved value before we get a figure. Recent history makes me a little concerned about putting that out and having it waved around, as if it is something that is certain to happen, when it is not. So the preference would be to provide you with a briefing on that.

### **Totalcare**

**MR STEFANIAK:** My question is to the Treasurer, Mr Quinlan. On 28 March 2001, Mr Stanhope successfully moved the following motion:

That this Assembly calls on the Government to demonstrate its commitment to Totalcare and its employees and to the provision of quality services to the residents of the ACT.

Treasurer, is sacking at least 150 Totalcare employees Labor's way of demonstrating its commitment to Totalcare and its employees?

**MR QUINLAN:** The motion you read, Mr Stefaniak, is a total commitment to service provision, is it not?

**Mr Stefaniak:** I am happy to provide you with a copy.

**MR SPEAKER:** You will need leave.

**Mr Stefaniak:** I seek leave to table a copy of the motion so that Mr Quinlan can refer to it if he wants.

Leave not granted.

**Mr Smyth:** I take a point of order, Mr Speaker. It is appalling that this place should stop the tabling of a copy of the government's own motion.

**MR SPEAKER:** It might be appalling in your view, but there is not substance to the point of order.

**MR QUINLAN:** The point being that this government is committed to service delivery. This government is committed to effective, efficient service delivery. This government is committed to cleaning up some of the messes that the lot opposite left behind. We are in

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the process of doing so. Through you, Mr Speaker, let me assure the house that this government will be working to ensure that all services provided by Totalcare or whomever will be provided in an efficient and effective manner.

**MR STEFANIAK:** I have a supplementary question. Treasurer, where will Totalcare obtain the money to pay for the redundancies and how much will they cost?

**MR QUINLAN:** Certainly, if there is as dramatic a change in Totalcare after the work of the working party as your question implies, there will need to be a funding of redundancies. That may well be an investment in the longer term. If we weren't actually doing something about Totalcare, I have no doubt that you would be asking questions about what we are doing about the operation of Totalcare. At the end of the day, the government wishes for those services to be provided. If we have to invest in the short term in order to make savings in the long term, we will have the courage to do so.

### **Rural leases**

**MR HARGREAVES:** My question is to the Minister for Planning. Can you outline what steps the government is taking to provide certainty to rural lessees to rebuild after the January bushfires?

**MR CORBELL:** This is an important matter. A significant number of rural lessees have been affected not only by the recent bushfires but also by the extended and prolonged drought in the ACT. It is an important issue to address as part of the recovery process. My colleague Mr Stanhope, as Minister for the Environment, is already addressing a range of issues to do with rehabilitation of land, land management practices and so on. But an area that is within my direct portfolio responsibility is rural leasing.

A clear issue emerging from rural lessees is that they are concerned to see that issues around security of tenure are finalised. In that respect we are dealing with those lessees who are eligible for 99-year leases, long-term leases. Of the fire-affected lessees, approximately half have either already finalised their leases or received an offer of a 99-year lease, a long-term lease.

There is a small group of rural lessees who did not take up the previous Liberal government's offer of a long-term lease. I am very pleased to advise members that the government will now make a further offer of a long-term lease, on the same terms, to those lessees who did not accept the previous government's lease offer and who are not affected by any potential future urban development.

There are a number of lessees who are outside any area potentially affected by future urban development and who would be entitled to a long-term lease. Whilst they may have previously rejected the offer, the government will make the offer again, because we think that in the circumstances they should have all those options open to them.

These lessees will be given a further three months to accept an offer on the same terms and conditions as the previous offer. Those lessees affected by possible future urban development will be offered a shorter term lease similar to their current situation and similar to shorter term leases in other potential development areas, such as North Gungahlin.



Rural leasing in the ACT has had a long and sometimes chequered history which necessarily makes leasing arrangements quite complex. There are numerous reasons for the extended timeframes in finalising the leases, including whether some areas of public land should remain in lease and be managed under land management agreements; issues to do with a potential third dam and the requirement to retain withdrawal clauses to ensure that land can be made available should a third dam be required for the ACT; incorporating additional land into the new leases; the valuation process; and in some instances the responses of the lessees. It is quite a complex process the government has to work through.

Nevertheless, I would like to advise and assure members that the government has made a priority commitment to accelerating the finalisation of the remaining long-term lease offers. PALM has identified additional resources in the rural lease management area to assist with the preparation of the remaining offers. A range of government agencies, in particular the Australian Valuation Office, have made a commitment to finalising during April and May all those applications which are within the direct control of the government.

It is important to stress that it is a necessarily complex process. In some instances lease offers cannot be progressed until further information is provided by the lessee, but in those areas under the government's direct control we will be working hard to see these offers addressed during April and May, although there will inevitably be some that require further time, depending on the individual complexity of the proposal.

This is an important measure the government is taking. We think it is important to provide the opportunity of long-term tenure again to those lessees who are able to receive an offer. We will be progressing that matter as a matter of course. The government will be writing directly to those lessees who are eligible under the new arrangements, again making the offer of a long-term, 99-year lease.

### **Disabled people—taxi subsidy**

**MRS BURKE:** My question is to the Minister for Disability, Housing and Community Services. Minister, in response to a question I asked you yesterday relating to the delay in implementing changes to the ACT taxi subsidy scheme, you said:

It is a fact, regrettably, that we did not meet the deadline, and there are a number of circumstances around that.

Minister, what are the circumstances that caused you to fail the disability community?

**MR WOOD:** Broadly, they were time constraints, Mrs Burke. There has been very intense effort across a whole range of government agencies in the first months of this year on a certain emergency that occurred. The major consideration was that. Disability was much involved in a range of areas. Housing was much involved. You may have caught up with the fact that Housing has had a great deal to do. The time scale was simply not able to be met.

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**MRS BURKE:** Thank you for your answer, Minister. Of course, I understand all of the above. However, have you worked out a new deadline to implement the changes, and will you give a commitment to this Assembly to meet that?

**MR WOOD:** We are aiming to do it by the end of June.

### **Totalcare**

**MR CORNWELL:** My question is to the Treasurer. Mr Quinlan, the *Canberra Times* of 12 March reports you as saying that all divisions of Totalcare were “up for grabs” but that the linen and sterilising service must continue “no matter what”. In last year’s estimates committee hearings, on 17 July 2002, you advised that the linen service was “chewing” money.

I will quote the full sentence, from page 128, just in case I am not allowed to table it, Mr Speaker: “The big business, and a business which is chewing money actually, is the linen service.” Given that the linen service is “chewing money”, will you abandon promises to workers in the linen and sterilising service, as you have reneged on your promises to other divisions of Totalcare?

**MR QUINLAN:** I am informed that the linen service is running at a loss—that is, “chewing money”. But management is confident that, if it was benchmarked and received in the transfer payments, it might not be.

A lot of what Totalcare does is about transfer payments within the system. If it was underpricing its services, it would show a loss and we would have to effectively make up that money in Totalcare. But if it then charged what turned out to be a higher, benchmarked price, it might no longer be turning a loss. In fact, the government is going to end up paying around the same amount of money for clean linen.

We are concerned, particularly in the linen service, that there is not a lot of competition in the market. There is at least anecdotal evidence that other states have closed their own capacity to their long-term regret. They got a short-term predatory price from a private supplier but then found themselves with nowhere else to go and paying a premium price at a later stage. We want to make sure that we do not do that.

Obviously, the linen service is an essential service within the city. Part of the reason it chewed money last year was that it had some very unfortunate contracts in Western Sydney—which it no longer has. But it still has a turnover of about 60 per cent public work and about 40 per cent private work, for hotels and external institutions.

It is something we want to keep, and we want to make sure we do not leave ourselves open to premium costs. As you know, quite a number of people are employed in it. Provided it can operate at reasonably effective rates, it will stay in the long term. But in the medium term it is an essential service in the territory.

The sterilisation is a slightly different matter, in as much as the pool of equipment and appliances that are used and sterilised on a regular basis is exactly that: a pool. It does

not actually belong to one or other of the hospitals. That is an effective way to provide very costly equipment across the couple of major hospitals in town.

Should we close the sterilisation service down, we would leave ourselves in a situation where each of those units may well have to provide itself with a full suite of equipment, which may or may not be needed from time to time, and that would be quite expensive. I am informed, again, that that equipment is very expensive. I am even informed that when some of the equipment is only used occasionally, it is transported down from Sydney and sent back. That is how expensive the stuff is. It is cheaper, effectively, to transport it and hire it than it is to buy it and keep it.

So, there are some sound commercial reasons for wanting to keep this going. That is the basis behind what I have said. A year ago it chewed and chewed money, partly because it had some very poor contracts outside the ACT.

**MR CORNWELL:** I have a supplementary question. Why would the workers in the linen service take any comfort from the promise that the linen service would continue “no matter what” when, even last year—again, at page 128 of the estimates *Hansard*—you went on to say, “This is a service that at this point at least is a necessary service within the territory, and we might be able to find some alternative if we disaggregated the whole thing. But in the short to mid term it is necessary.”

Why would the workers in the linen service take comfort in your promise, “It will continue no matter what,” considering what has happened to other Totalcare workers?

**MR QUINLAN:** I still remain bemused by the fact that Mr Cornwell defends the workers of Totalcare. It strikes me as the ultimate irony.

**Mr Smyth:** Why?

**MR QUINLAN:** Because it was quite clearly stated by one of the union reps this morning on radio that all of the workers had known that it was set up by the previous government and set up to fail.

To a large extent, Mr Cornwell, you answered your own question when you quoted what I said last year that in the short to medium term it is absolutely essential. We need to keep it because there is no alternative in the short to medium term. There is absolutely no alternative. I am sure you are conscious of the magnitude of this enterprise and that an alternative is not going to spring up overnight in Canberra or, probably, within near reach of Canberra.

### **Pine forest land—reallocation**

**MRS DUNNE:** My question is to the Minister for Planning. Minister, can you advise what progress has been made with the allocation of former pine forest land burnt in the fires of Christmas 2001? You are the minister for land allocation?

**MR CORBELL:** I am afraid I do not understand the question. Allocation to what, for what, Mr Speaker?

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**Mrs Dunne:** To the zoo, for instance.

**MR CORBELL:** To what pine forest land in particular is she referring, Mr Speaker? Quite a bit of pine forest land was burnt in the fires before last. If Mrs Dunne wants to be a bit more specific, I will try to help her with an answer.

**Mrs Dunne:** Do you wish me to help the minister out, Mr Speaker?

**MR SPEAKER:** It will be a supplementary question now.

**MRS DUNNE:** Okay. I am quite happy. There have been a number of requests to government for land allocations. I am helping the minister out here. He claims not to know what is going on.

**MR SPEAKER:** You might have helped him out with your question in chief.

**MRS DUNNE:** The National Zoo and Aquarium, for instance, has asked to be allocated land behind its current premises. What progress has been made with that, or with any other request for a land allocation?

**MR CORBELL:** I think this is actually covered by a question on notice from Mrs Burke in relation to the National Zoo and Aquarium, so perhaps Mrs Dunne and Mrs Burke should better coordinate their activities.

Nevertheless, yes, the National Zoo and Aquarium has approached the ACT government in relation to potential expansion onto land owned by the ACT government adjacent to the existing lease. That proposal has involved a range of planning issues, and it comes under the direct control of the National Capital Authority, as this is designated land on the Territory and National Capital plans. I understand that those issues are now largely resolved, and the government is now considering the direct grant of land to the National Zoo and Aquarium.

### **Land rates—new system**

**MR PRATT:** Treasurer, since your announcement of changes being proposed to the rates system in the ACT, property owners have been claiming that, while rates are estimated to increase by CPI, as has been the case, revenue generated from rates will increase more quickly and, in real terms, the government will be receiving perhaps as much as double its current revenue within around 10 years. Treasurer, is that claim accurate? Will your scheme double the revenue from rates?

**MR QUINLAN:** The only answer I can give to this question, which has been asked before, is that under the previous system used by the Liberal government you could double rates in 10 years because—dare I say it one more time?—the formula was a formula that was redetermined each year. That is what it was. Therefore, if it is redetermined, it can be redetermined to anything. Yes, it could.

**Mr Smyth:** Let's talk about your system.

**MR QUINLAN:** If you are referring to the proposed system, the proposed system could, in fact, generate more revenue than the CPI increase. Yes, it could. So could the system that it will replace, in no more and no less a manner. They are just formulae with multipliers in them.

**MR SPEAKER:** Do you have a supplementary question, Mr Pratt?

**MR PRATT:** Yes, Mr Speaker. Treasurer, how can you justify introducing a rates system that will result in such a dramatic increase in the rates burden?

**MR QUINLAN:** The member's question has an inference in it that is not necessarily valid, because he said, "How can you justify a system that will do so?" What we will have—how many times do I have to say it?—is a system that will peg rate increases for tenants who do not change their residence to the CPI and no more. Each time a new premise is acquired, the rates will be applied on the basis of the unimproved value and a formula, pretty well the formula that exists today.

That could give rise, and probably will give rise, to a greater rates revenue than just the CPI overall. The degree to which that is done will depend upon the decisions taken in setting the rate each year, as it is now. There was a commitment to keep the gross rates take at no more than CPI over a number of years by the previous government, which they abided by. But that did not actually provide a CPI ceiling for anybody in particular; it just worked out for some. Some went through the roof and some did not.

Yes, there is a capacity for the rates formula to generate more revenue than CPI. There was that capacity in the system used by the last Liberal government if they did not set that other bar of CPI. There was nothing in the legislation that said, "We will set the overall take at CPI." It was not legislated for and it was not in a formula; it was just something that was done for several years at the same time as the fixed charge was being jacked up to lessen the progressive nature of rating.

In theory, you are right; we could have a rates process that increases the rates take by more than CPI, even allowing for growth, if you know what I mean.

### **Aboriginal children**

**MS TUCKER:** Mr Speaker, my question, of which some notice has been given, is to the minister for family services, Ms Gallagher. It relates to foster care for Aboriginal children. Minister, given that the previous contract with Open Family expires on 31 March—as I understand it, they have not been providing the service for three months, anyway—and given that there is a serious situation of unmet need in the Aboriginal community for foster placements with Aboriginal families, can you tell the Assembly what progress has been made to rectify this situation?

**MS GALLAGHER:** I thank Ms Tucker for the notice with which she provided me of this question. I understand there have been ongoing discussions between Canberra Foster Care Aboriginal Corporation and my office. They have some concerns about the finalisation of Open Family's involvement as of 31 March, as to what will happen to the

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children in care. I understand a meeting has been arranged between the corporation and family services to discuss the process of selecting another service.

The Review of Indigenous Foster Care report has been completed by Dr Ross Gurney. That report will decide—or put in place a process for it—how the tendering of that service should be implemented. There will be a tender process. It is my understanding that there is a level of interest among members of the indigenous community in participating in that. So it is proper for that to be an open process—and that is going to be the case.

As to the children who will be affected by the withdrawal of Open Family, Marymead and Barnardos have, in the short term, taken over management of the care of the children. However, there has been no change to the arrangements with the foster families. The children will remain in their present situations—it is just that the management of that is with Marymead and Barnardos. That is just in the short term, whilst a tender process is put in place to decide on a specific indigenous organisation to provide that service to the children.

**MS TUCKER:** Mr Speaker, I have a supplementary question with regard to the indigenous unit in family services which, I understand, is supposed to support this service, if funded—although I know it is not in the business plan. Could you explain whether or not this unit exists? If it does exist, for how long has it existed—and what capacity does it have to support a provider in this area?

**MS GALLAGHER:** Support for Aboriginal children and young people is certainly a key priority for the entire Department of Education, Youth and Family Services. I am advised that, in relation to family services, there is not a stand-alone unit there at the moment. There is a recommendation in the Review of Indigenous Foster Care report that a new service be set up within family services to provide that support to indigenous children and young people who are in the care of the chief executive.

A new model is to be implemented, which will have a much higher level of support than the current unit, which is a stand-alone unit. Workers will have the support of the operations manager, senior practitioners and a senior indigenous worker. The senior indigenous worker will be part of the child protection management team. This will provide a higher profile for indigenous issues. Opportunities will be created for linkage of indigenous staff across the agencies—across Education and youth services.

Family services have also changed the roles in indigenous job descriptions to have a greater focus on family support—rather than statutory responsibility. I have been advised that selection processes for workers are currently being finalised.

In conclusion, Ms Tucker, I think we have opened up a good, constructive dialogue in relation to family services and some issues. I would be happy to hear your views on how you see the indigenous unit working to support those families.

### **Youth legal service**

**MS DUNDAS:** My question is for the Attorney-General. Minister, you may be aware that a youth legal service—supported jointly by Clayton Utz, the ANU law society and

the ACT legal aid service—recently opened. Have you had any reports on demand for this service?

**MR STANHOPE:** No, Ms Dundas, I have not received any formal reports or feedback on the operations of the youth centre. I think it is a wonderful initiative. I believe it has the potential to provide a wonderful service for young people across the spectrum. I was very pleased to open it, and I wish it every success. I have no information about its utility or its success, or on the extent to which young people are seeking to access its services. I would be more than happy to obtain from my department a report on the operations of the youth centre and to provide that to you and to members of the Assembly.

**MS DUNDAS:** Minister, I understand that there has been a strong demand for this service. I would be interested in any concrete figures you can get. But I would like to know why the government has not contributed funding to ensure the ongoing viability of this youth legal service.

**MR STANHOPE:** As I indicated, I am more than happy to seek all the details about the uptake, acknowledging that the youth centre has been open for four or five weeks. The department of justice, through its relationship with the youth centre, would have every opportunity, I am sure, to obtain whatever information is publicly available on the utility and uptake. It is a wonderful joint initiative by Clayton Utz, the Law Society and students at the ANU, with significant support from the Legal Aid Commission of the ACT.

It was with great pleasure that a week or two before I opened the Canberra youth centre I also opened the Canberra Consumer Law Centre, a new legal service provided for residents of the ACT. Why we have not funded the youth centre is a question of how long a piece of string is, what our available resources are and what other priorities the government faces and will continue to face.

I would always like anybody in this place asking a question of government about why they did not spend money on this or that to indicate in the question which service they recommend we might cut to find the funds to fund this or that initiative? In an environment in which, as the Treasurer has indicated, we have lost \$90 million on investments, the Grants Commission has reduced funding by \$15 million, we have lost at least between \$20 million and \$30 million in the fire and our levels of expenditure are growing at a far greater rate than our revenue, I am asked, “Why did you not fund this?” I was not asked, “Why did you fund that?” or “What might you not fund in the future?”

I think it would be a nice discipline for those who seek to keep the government accountable to suggest to us from time to time what we might cut. I have heard Ms Tucker over the last couple of weeks endorse the need for greater revenue and for more taxes. But I do not very often hear suggestions about what we might cut. It is an interesting discipline that should apply.

There is whole range of additional legal services that one would like to provide. Legal aid is grievously underfunded. The Women’s Legal Centre needs more funding. It struggles for additional funding. The Consumer Law Centre, an initiative of this

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government, has the capacity to employ one solicitor but would like to employ more. There is a whole range of community legal initiatives that we would like to pursue. There is no Aboriginal legal service in the ACT. Why do we not fund one?

**Mr Smyth:** You are the Attorney-General. Start making decisions.

**MR STANHOPE:** Mr Smyth adopts the same attitude. The question remains: why did the Liberals not—

**MR SPEAKER:** Whatever Mr Smyth says is out of order, so you need not respond to it.

**MR STANHOPE:** Absolutely. I will not. The Liberals would ask why we do not fund an Aboriginal legal service. The response is: what support did the Liberals provide to Aboriginal legal services in seven long years of government? None. There is a myriad of reasons that there is not money available for every single thing we would like to do.

**Ms Tucker:** So we should stop asking? Should we just be quiet? Is that our job?

**MR STANHOPE:** No. I want you to keep asking, but in the interests of true accountability and in the interests of allowing the community to judge your commitment to good government, from time to time give us an indication of the expenditures that you would not undertake.

### **Mental health**

**MS MacDONALD:** My question is to the Minister for Health, Mr Corbell. Mental health consumers are among the most economically disadvantaged in our community. Minister, can you outline government initiatives designed to make participation in policy development more accessible for mental health consumers?

**MR CORBELL:** It is generally recognised that the role of consumers is one of the significant levers government and, indeed, the community have to bring about reform in the delivery of services in the health sector because, at the end of the day, it is the consumers who benefit if the system works well or are disadvantaged if the system fails. So, in terms of informing public policy, it is important to ensure that mental health consumers, who are among the most financially and socially disadvantaged in our community, have an opportunity to participate in helping to determine services that affect them.

I was very pleased to announce this week that the ACT government would fund 60 mental health consumers to attend the Australasian Mental Health Services Conference which will be held in Canberra this year. That is an important initiative—important because it enables people with mental health issues to participate, to give their perspective, to give their ideas on how mental health service delivery can be achieved in the ACT and nationally.

The Australasian Mental Health Services Conference is held annually to provide a forum for the exchange of ideas, professional development, networking and debate for professionals, consumers, carers, families and mental health managers. For the first time,



the conference will be held later this year in Canberra and the attendance of the 60 mental health consumers from the ACT will be an important and practical demonstration of the government's commitment to engaging consumers in decision making.

The mental health executive that is part of the new organisation Mental Health ACT has a permanent consumer representative on the mental health executive of that organisation. Ms Elizabeth Morgan, who is the chairperson of the Mental Health Consumer Network, is involved in that process of day-to-day consultation in terms of the operations of Mental Health ACT.

These are important initiatives that engage consumers directly in mental health policy and mental health service delivery. It is hard to get this group of people engaged and involved and we need to be very practical and very supportive in ensuring that they are actually engaged and involved.

It is worth highlighting that the government has allocated close to \$250,000 to assist mental health consumer participation just in this financial year. Just in this financial year, \$250,000 has been allocated to engage mental health consumers in mental health service delivery. It is about ensuring that consumers, the people who suffer from mental illness and mental disorders, have the opportunity to be involved in determining both the services and the policies that affect them and it demonstrates the government's commitment to engaging with those in our community who are financially disadvantaged and socially disadvantaged the most.

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

## **Clean Up Australia Day**

Debate resumed.

**MS TUCKER (3.15):** I am happy to join in this debate. There is a more general reflection we could make when talking about Clean Up Australia Day. That is about how, as a society, we are so focused on production, goods and owning things for a short while and then disposing of them. We have to carry increasingly serious costs for the whole disposable society.

The economic system that we have profited from over the past 200 years has never built in the real costs of wasting resources or disposing of waste. Those costs are borne by an eroded and diminished physical environment, unhealthy rivers and the frantic exploitation of mineral resources around the world, with, at times, a destructive impact on the environments and the people who live there. It is an impact that will be carried by future generations.

While cleaning up Australia is a warm and constructive community response to the symptoms of an ongoing problem, it does not come to grips with the problem itself. I commend the motion to congratulate the volunteers. They are responsible community members who want to be part of cleaning up this beautiful country we live in. That has a community-building factor in it, too, which is greater than the mere fact that we are cleaning up areas that are littered.

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However, the real project of cleaning up Australia is something bigger than a day in a year when we scrape up all the plastic bags, cigarette butts and shopping trolleys lying around. It is a project to restructure how we cost materials. It is a project about how we build social and environmental priorities into our economic organisation.

The value of Clean Up Australia is that it gives a public value to a less despoiled environment. In its own fairly simple, nice way, it is a visionary project, in that over time it seeks to influence our expectations and desires of the world we inhabit. So some of the signs of rubbish that Clean Up Australia draws our attention to, such as plastic bags, take-away food containers and cigarette butts, provide a useful focus for action.

The issue of plastic bags and take-away food and drink containers has come up in this place on several occasions. Before I was here, there was a committee inquiry into container deposit legislation, chaired, I think, by Michael Moore. Since then, the Greens have certainly raised the question in this place. I remember that we asked Mr Wood to take a strong position on this issue to the ministerial meeting he attended—from memory, last year.

The Greens here tabled a bill aimed at reducing plastic bag use. However, we have some problems with it because it can be perceived to be a tax or levy. So that is still on the notice paper. In 2002, Senator Bob Brown tabled a bill in the Senate to provide for the assessment and collection of a 25 cent levy on all supermarket plastic bags, except those necessary for fresh meat, fish and poultry. That legislation mirrored the Irish plastic bags levy, introduced in 2002. That has caused a 90 per cent reduction in the use of plastic bags.

There is a problem in Australia. Under the Australian Constitution, the Senate cannot instigate a bill for a levy, so Peter Andren, the Independent member for Calare, has agreed and moved complementary legislation in the House of Representatives to impose a 25 cent levy, which will go to a fund for environmental purposes. They are still on the table there, and it will be interesting to see what happens. I notice the industry is lobbying furiously against it.

Another issue I would like to raise in this debate is one raised recently by a constituent—that is the question of syringes. The comment was made that an adult person found a syringe in the area of Dickson and chose to pick it up. They could not find a sharps container. They thought there would probably be one in the toilets at Dickson. However, this person was not able to find a sharps container in the toilets at Dickson.

I am not quite sure what the government's policy is concerning sharps containers. This person was left in the uncomfortable situation of not knowing what to do with the syringe. They ended up putting it, sealed, into an ordinary bin. I don't know that that is what we really want!

Cigarette butts are always an issue. Whenever I have participated in Clean Up Australia Day, a big issue is cigarette butts. It is a problem because they do not decompose easily at all. I do not know why that is, and why cigarette manufacturers will not make butts that decompose.

At Lake Ginninderra, there were a lot of butts near the college. The rationale for not having ashtrays around the lake was because it would encourage the young people at the college to smoke. I do not agree with that argument. I think that, if young people are going to smoke, they are going to smoke, and that providing ashtrays is not going to make them smoke, or stop them from smoking. What we are doing by not providing ashtrays, or something for them to put their cigarette butts into, is causing a double problem. Now not only do we have young people smoking, but we have serious litter going into the lake. I think that is something that could be addressed.

I believe it is good for us to have these sorts of debates—I am pleased that Ms MacDONALD raised this matter. It is important to see how we can build this debate into one about a real process for changing behaviour through legislation and commercial practices, as well as through these kinds of community events. That means pricing according to the real costs, instead of continuing to support the throwaway society in the way we do, with the pricing signals we send.

**MS MacDONALD** (3.23), in reply: I thank all members who have risen in the course of this debate to support the motion. It would be a bit hard to oppose it, I am sure.

I will respond briefly to a few things which have been said in this place, going in reverse order. As to what Ms Tucker said, it is true that this is bigger than just one day. As a society, we do need to consider the amount of throwaway things we have. At times, I am guilty of forgetting to take something other than a plastic bag to the shops, or to re-use the plastic bags I already have.

There are concerns over things like cigarette butts. There are also concerns over things like disposable nappies not breaking down in the environment. There are plenty of other things for which we need to stop, think and say, “How can I make a personal contribution, every day of the year?”

Turning now to what Ms Dundas said, I picked up on the issue she was talking about. That is about ownership and pride in all our public areas—I agree wholeheartedly with that statement. I thank the minister for his comments in relation to the debate.

That brings me to Mr Cornwell’s comments. Mr Cornwell said that we should be cleaning up every day. I wholeheartedly agree with this, and not only verbally—I also try to put it into practice. When I see litter on the streets, I pick it up. If I am able to carry it away and put it into a rubbish bin in my own home or somewhere on the street, I will do that. My car attests to the fact that I rubbish my own car before I will rubbish the streets.

Regarding the other things Mr Cornwell said, I do not know that I would necessarily do that. I am not such a confrontational person, Mr Cornwell, that I would try to perform a citizen’s arrest. I was too busy picking up rubbish that day to go and confront the lady who had just stubbed out the cigarette butt.

**MR SPEAKER:** Bumper shooting!

**MS MacDONALD:** However, there have been other points where I have pulled up people who have dumped stuff in the streets. As recently as in the past couple of months,

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I saw somebody dumping something on the street. I got quite upset about it, until I had made them pick it up.

It is not my style to go and perform a citizen's arrest. If I were to do that, I think it would make the papers. It is not likely to happen—I can tell you that. I would prefer an education program—trying to educate people about the importance of not littering our streets, rather than hitting them over the heads—figuratively, not literally, of course. People should be educated that littering is not a good thing; that it is an environment for us all; and that we should be taking pride in our environment. We have come a long way in the past 10 years, but we have a lot further to go.

Mr Speaker, I would like to thank you for your reference to a bumper shooter. I see, from your note to me, that that is somebody, who is desperate for a little bit of nicotine, picking up other people's cigarette butts to smoke them. I am not sure that I know how they feel. I was revolted by the whole concept of picking up everybody's cigarette butts, but it is certainly an interesting aspect.

**MR SPEAKER:** It is all right if you find one that is half-finished!

**MS MacDONALD:** In closing, I would like to thank everybody for their contributions to the debate. Hopefully, as I think Ms Dundas said, people will start to become a little more educated about it and desist from throwing things onto the ground.

Question resolved in the affirmative.

### **Questions without notice**

#### **Gungahlin Drive extension**

**MR CORBELL** (3.28): Yesterday—11 March—Mrs Dunne asked me a question about the timetable for the completion of the Gungahlin Drive extension.

I advise Mrs Dunne and members that construction of the Gungahlin Drive extension will commence in mid-2004 and is planned for completion in mid-2006. This is consistent with the timetable already outlined by the government in the budget papers, and is the same timetable as outlined in the budget papers for the western alignment.

The first stage of GDE will consist generally of a single lane in each direction, with grade-separated intersections. An overtaking climbing lane is proposed for the northbound direction on the section of GDE between Glenloch Interchange and the existing bridge on Caswell Drive.

### **Personal explanation**

**MR CORBELL:** Mr Speaker, I would like to make a clarification.

**MR SPEAKER:** Proceed.

**MR CORBELL:** In the appropriation bill debate last week, I provided some information about the status of patients who had burns and were taken to Sydney as a result of the recent bushfires. I would like to correct that information, as it was somewhat dated. The

correct information is that the two female patients—a mother and daughter—were transferred to Concord Hospital in Sydney on 19 January. At the time of the transfer, both were in a critical condition, with severe burn injuries.

The latest update, on 6 March, has confirmed that the mother was discharged from Concord Hospital on 24 February and has been attending the burns unit outpatient department on a daily basis for ongoing management of her burns. The daughter remains in a stable condition in the burns unit at Concord. A third person—a man—was transferred to Northshore Hospital in Sydney on 19 January and was discharged on 14 February.

## **Bushfire Inquiry (Protection of Statements) Bill 2003**

Debate resumed from 5 March 2003, on motion by **Mr Stefaniak**:

That this bill be agreed to in principle.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.30): I thank Mr Stefaniak at the outset for the cooperation which he and his office rendered my office in relation to negotiations around amendments to the legislation he introduced last week.

All members would be fully aware of the circumstances around the introduction of Mr Stefaniak's legislation. It goes to the issue of a desire to provide protection against defamation to any member of the community who may choose to make submissions to the McLeod inquiry.

Members are aware of the position I and the government have taken in relation to that issue. My position initially was that, to the extent qualified privilege attached, there was no great or driving need for people who chose to make submissions to that inquiry to have specific or special protection against defamation.

I do not think we need to revisit today the arguments and debate that have occurred in this place over several days in relation to a number of motions around the establishment of the McLeod inquiry. It is not my interest or desire to do that today. As I say, we, the government, have accepted—on the basis of direct representations made to us—that there are a number of members of the community who feel some disquiet about the submissions they may wish to make not being covered against potential actions in defamation and their consequent will to make submissions to the inquiry.

Mr Stefaniak has introduced legislation. Last week, I circulated detailed advice in relation to that legislation, which was received by me from the department of justice. It was the view of my legal advisers that there were some deficiencies or gaps in the cover Mr Stefaniak sought to introduce for people who wished to be protected from defamation.

As I have said, my office worked very cooperatively with Mr Stefaniak, and I acknowledge the spirit in which those negotiations have been undertaken. We have arrived, as I understand it, at a compromise, or consensus position, on how to take Mr Stefaniak's legislation forward.

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**MR STEFANIAK** (3.34), in reply: In closing the debate in the in-principle stage, I thank the Chief Minister for his comments. I agree with him about the cooperative nature of this over the past week. It has been very good. I especially wish to thank John and Nick, from the Parliamentary Counsel office, for the work they have done at short notice. I thank Peter Quinton; Tom Evans—and Geoff Gosling, from the Chief Minister’s office, in particular, for the extensive liaison he has had with me and my office and, of course, with the Chief Minister.

Mr Speaker, the negotiations were very successful. Whilst there are certain parts of the advice I would disagree with, at the end of the day, what I want to see in place is good, workable legislation that will protect people giving evidence before this inquiry, they can make their statements in the knowledge that they can be full, frank and truthful in what they say.

I would caution anyone who is trying to abuse any of this against unnecessarily slagging off at individuals. I do not necessarily think that would be the case with this inquiry. We want to ensure that people can feel unconstrained in giving their evidence to this inquiry on what they saw. In that way—God forbid—if the ACT is ever faced with a horrible situation such as the January fires again, if there are steps that have been learned that we can take to respond to and perhaps mitigate any future potential danger—they can be taken. And if there are lessons to be learned, they can be learned as a result of this inquiry.

I thank those people for their cooperation. I thank all members of the house for this legislation, which will give that protection and which will, I think, greatly assist this inquiry.

**MS DUNDAS** (3.36): Mr Speaker, I apologise for my short absence from the chamber. I seek leave to speak on the in-principle stage.

Leave granted.

**MS DUNDAS:** The ACT Democrats congratulate Mr Stefaniak for introducing this bill. If the protection of privilege applied to all evidence given to the McLeod inquiry, it would provide peace of mind for firefighters, and others with evidence that could help the ACT avoid another disaster of the like of the January bushfires.

As I have said when we have had this debate before, I believe that any investigation into the events surrounding the bushfires should provide full protection for witnesses giving sensitive evidence. Without this protection, some people may err on the side of caution and withhold evidence that could potentially be of great value.

There is always the risk of untrue statements but, as in a court case, you have to put your faith in the person or people who are weighing the evidence before them in the drawing of conclusions. Last week, I noted that the government’s decision to form an inquiry without protection for witnesses from potential defamation actions had attracted criticism from the United Firefighters Union and some individual firefighters. I believe we should take these criticisms very seriously.

The government persisted in its refusal to move the McLeod inquiry under the Inquiries Act, despite the urging of some members of this Assembly. In the absence of the adoption of the Inquiries Act framework, Mr Stefaniak's straightforward and sensible bill appears to provide the necessary protection for witnesses by invoking a blanket of privilege. That would make the evidence given to the inquiry inadmissible in a court, just as would be the situation if the inquiry were held under the Inquiries Act. I think that is a good middle-ground solution.

The government's amendments which have been circulated changed the privilege protection to a defence. I believe that is less satisfactory. We will discuss those when we get to the detail stage.

In conclusion, I thank both Mr Stefaniak and the Attorney-General for their work on this, and the attempts made to provide some protection to witnesses appearing at the inquiry. Hopefully the evidence we receive will be full and frank, and will help this city to avoid such disasters in the future.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1 agreed to.

Clause 2.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.38): I move amendment No 1 circulated in my name, and table an explanatory statement to the government amendments [*see schedule 1 at page 993*].

Mr Speaker, the first amendment replaces the commencement provision in the original bill. The amendment provides that the act will be taken to have commenced on 22 February 2003, when advertisements first called for submissions to the inquiry. This will ensure that those people who have already made submissions to the inquiry will attract the protection provided by the later amendments.

**MR STEFANIAK** (3.39): There is one thing I always have a bit of trouble with, even with my own bills. I agree with the point in the advice about the need for certainty as to when the act should commence. I can recall talking with the Parliamentary Counsel who was doing it for me—John O'Donovan—about what we should have there for the commencement date. We put in the normal clause, which was the notification day. I had some concerns about that. When we had our round table on Friday, as a group we discussed that at some length.

I believe it is essential that witnesses are protected from the time any submissions are received by the inquiry. We ascertained that the relevant date there was 22 February. I

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am very happy that that clause has been included by the Attorney-General—very much at my insistence. Everyone saw the sense in that—to ensure that the 100 or so statements made to date have that protection.

Whilst it is retrospective, given that the inquiry has a limited life span, and given the fact that Mr McLeod called for submissions on that day—and I believe submissions close at the end of the month—it is desirable that the commencement date is the date the call was made, which is 22 February. I think that is eminently sensible.

Incidentally, the government officers have appeared. Mr Quinton, John and Nick, I thanked you for your efforts on this in the in-principle stage. I thank you again, now that you are in the gallery.

It is essential that we have this protection in place, to safeguard all the statements made to date, and all the statements that will be made up to the end of March, and indeed any received after the end of March, if Mr McLeod is mindful of receiving them. In an inquiry like this, I imagine he would do that. That is the basis of this commencement date. It is retrospective, but for very good reason.

**MS TUCKER** (3.41): I make the general comment that I understand that the intention of this amendment and Mr Stefaniak's bill is to give greater confidence to people in the community about the conduct of the inquiry. The Greens support that absolutely. This amendment and the other amendments appear to me to be sensible, in trying to ensure that, as much as possible, witnesses or members of the community are protected. I think that is a good thing.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.42): I move amendment No 2 circulated in my name [*see schedule 1 at page 993*].

Mr Speaker, the second amendment omits clause 4(1) of the bill and replaces it with subclauses 4(1) and (1A). These subclauses provide for two defences to an action for defamation in relation to the making of statements and giving of documents to the inquiry, and the publication of the report of the inquiry. Subclause (1) provides that, where a matter is published to a person conducting or assisting in the conduct of an inquiry, a full defence to an action for defamation will be made out if it can be proved that the publication was made to that person.

This is a broad defence. It extends to material of a dishonest or sensational nature. For this reason, the defence applies only in relation to a publication to the inquiry. It does not



apply to the publication of the same material to a third party. The defence is designed to ensure that people proffering information to the inquiry will be able to do so with complete protection from an action for defamation.

Subclause (1A) provides that a defence to an action for defamation will be made out where a publication is a report of the inquiry presented to the Legislative Assembly, a fair copy of that report, a fair summary of that report, or a fair extract from that report. The defence is designed to ensure that the findings of the inquiry may be discussed freely and evaluated critically for protection from action for defamation.

**MR STEFANIAK (3.44):** This is probably the second and last main amendment. The others are consequential upon that—amendments 3, 4 and 5. It simply replaces my clause 4(1) with a different 4(1) and 4(1A). This is where you could have lawyers at 20 paces and argue the pros and cons of each clause—there certainly are pros and cons of each clause. Again, at the end of the day, we just want something to work—we want it to happen quickly. So I am more than happy to accept the government amendment there, if that is what they want.

One thing my initial clause would do is ensure that basically any statement, document or information given by a person to the inquiry would have the same protection as it would in a court—or indeed, as Ms Dundas has rightly said, something set up under the Inquiries Act.

This is a slightly different way of doing it. Another thing I noted when I saw the Attorney's advice initially was that, if you are worried about people giving malicious statements to an inquiry and maliciously trying to slag off people, there could be reason for a penalty clause—similar to that in section 34 of the Public Interest Disclosure Act—for people who deliberately make false accusations. That could be a way of overcoming some concerns which might arise from my clause 4(1) in respect of it being more of a blanket protection.

The Attorney's protection here is to make it a defence to an action for defamation in relation to people making a statement to the inquiry, giving documents and information. All the defendant, being the maker of the statement, would have to establish is that they made the statement or gave the information to the inquiry.

It has been suggested to me, and I think rightly so, that it is conceivable that someone could launch an action and then be stopped at court—and go to a lot of needless expense. That is a danger with this. As we discussed in our round table on Friday, with the officials, I am sure virtually every solicitor in Canberra would be aware that it would be pointless for anyone to take out a defamation action.

This issue has received a lot of coverage in the media. There would be very few solicitors who would not be aware of this. There would be very few citizens tied up in this who are unaware that they are now able to make full and frank disclosures to this inquiry, without being sued, and that, if anyone happens to be mentioned in an adverse way, the person making those statements to the inquiry would have protection and the aggrieved party would not be able to sue as a result.

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On the question of whether turning it around and making a defence is the best way of doing it, I accept that the government is keen to go down that path. At the end of the day, I do not have a huge problem with that. The benefit of amendment 2 is that it clarifies, in (1A), that the report itself, when tabled, is also protected. That would have protection to an extent anyway, but this reinforces that information in the report is also protected. I think that is a positive step with regard to this amendment. Accordingly, I am quite comfortable in accepting the government amendment there.

**MS DUNDAS (3.48):** I am not as satisfied as Mr Stefaniak is with the government's amendments. My understanding is that the government's amendments propose to remove the protection of privilege from evidence given and replace it with a defence to a defamation action.

I fail to see the need for this amendment. It appears that the government is attempting to put its stamp on this piece of legislation. However, in my opinion, in doing that they have made this slightly worse than it could have been.

If privilege were to apply to evidence given to the inquiry, that evidence would simply not be admissible in a defamation action. A defamation action could not even get off the ground, with no evidence to be given to the court. If privilege does not apply, but a defence is provided instead, as is suggested by these amendments, all the evidence given before the inquiry becomes admissible in court. The evidence can be given before the defendant gets to make out their case that they do have a defence to the action.

If the case were to be heard in full, it is reasonable to expect that the defamation action would fail on the account of that defence. So one may think that protection from a finding of defamation is the same as if the evidence was privileged. Theoretically this is true, and Mr Stefaniak has made the point that it would be a very brave lawyer indeed who wanted to pursue this action.

However, in practice, some litigants use court actions just to intimidate people. Some plaintiffs have very deep pockets and can afford to initiate a legal action they know they will lose. Most disturbingly, where a defendant does not have the time or money to fight an action, or cannot find a no-win/no-fee lawyer, he or she can end up cornered into offering the plaintiff a settlement, even though the opposing side would have lost the case if a court determination were made.

Unfortunately, that is the reality of our legal situation. That is why I am concerned about these amendments. In theory they might provide protection but, in reality, we have lawyers and people who are willing to push cases—even cases they know they will lose—just as a form of intimidation.

It was my understanding that this Assembly was most concerned about relieving those pressures on people who wanted to give evidence, so they would be free to give full and frank evidence without any fear—fear of defamation action, fear of harassment and all the other things that stop people from putting the full picture forward.

Unfortunately, because these amendments still mean that an individual could face court action—that they do not have the full protection of privilege—I have concerns with

them. In my view, it is better to avoid even the threat of unsuccessful litigation by using privilege, rather than creating a defence to an action that may be commenced by someone who believes they have been defamed.

I am not supportive of this amendment but, as Mr Stefaniak has already stated, I want protection for the witnesses who will be putting forward evidence to the McLeod inquiry. I understand that this amendment will be accepted by the Assembly today.

I know there have been ongoing discussions between the Attorney-General and Mr Stefaniak and that this is the outcome. However, I want to take this opportunity to put those concerns on the record—that we have not yet completely fixed the situation and that this is almost the third or fourth-best option we could have had for witnesses in the McLeod inquiry.

I hope we do not end up with the situation where people are being pursued with the threat of legal action—because they now can be. I hope that does not hamper people or prevent them putting information forward to the McLeod inquiry. This would mean that, through the information we get, the recommendations may not be as fully informed as they should be, as we attempt to thoroughly understand the disaster that has hit our city and move forward in the rebuilding process.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.53): I want to respond to the doubts cast by Ms Dundas on the legal advice of the Department of Justice and Community Safety. Each of the points made have been roundly addressed in detail, in the legal advice from the department of justice that was circulated by me.

My legal advisers tell me explicitly that there are a number of significant concerns about whether what the original bill sought to achieve would be achieved. The advice is that the deficiencies are such that the protection sought would probably not have been granted. I table the legal advice I circulated in relation to these matters, which responds to all the points made by Ms Dundas. I present the following paper:

Bushfire Inquiry (Protection of Statements) Bill 2003—Legal advice from Legal Officer and Director, General Law Group, dated 5 March 2002.

**MR STEFANIAK** (3.54): I note with interest Ms Dundas's comments. Indeed, one of her staff members spoke to me at some length before lunch. Whilst I have spoken to the drafter of the legal advice and, to an extent, we agree to differ, I am not uncomfortable with what the Attorney has done. We agreed to that on Friday.

I make the point that this does protect someone who gives a statement, or evidence, to the inquiry. It ensures that they are protected for what they give. It protects the report by Mr McLeod too. Obviously, it does not protect someone going and slagging off to a third person. But, then again, the protection you get in a court would not necessarily do that either, unless you were accurately reporting what occurred, or what was said, in an open court. This still gives that protection to a defendant.

I want to make it clear that people who give evidence to the inquiry—people who give a statement to the inquiry—have nothing to fear in respect of defamation, as a result of

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what I read to be the Attorney's amendment here. The Attorney agrees with that. I think that is quite clear.

I would like to make this clear: I believe Ms Dundas is right to be concerned about someone perhaps going off and taking an action—which, theoretically, certainly could be done—and then this defence would kick in. Maybe it is a slightly funny way of doing it. I tend to agree that what I had there might have been a bit better. However, at the end of the day, this is not an uncommon way of framing laws. Quite often there are defences to certain actions in statutes.

**Mr Stanhope:** That is what the Inquiries Act does.

**MR STEFANIAK:** You are quite right.

**Mr Stanhope:** The Inquiries Act does the same—it creates a defence.

**MR STEFANIAK:** The Inquiries Act does the same. Indeed a number of Acts do exactly the same as what is done here. It is quite a common form in the way people draft statutes. I am comfortable with that. I believe anyone who gives information to the inquiry can be comfortable that they are protected. Any lawyer who would contemplate advising a client to go to court would be absolutely crazy. He or she would be ill-advising his or her client and should know a lot better. This is pretty basic. We discussed this again at length on Friday.

I wanted to make those points clear so no-one is in any doubt as to people's rights and obligations under this legislation.

Amendment agreed to.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.57): I move amendment No 3 circulated in my name [*see schedule 1 at page 993*]. As Mr Stefaniak indicated, Mr Speaker, the third amendment is a technical consequential amendment replacing the term “person” in paragraph 4 with “defendant”, in keeping with the defences established by the second amendment.

Amendment agreed to.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.58): I move amendment No 4 circulated in my name [*see schedule 1 at page 993*]. Once again, this is a consequential amendment. The fourth amendment will insert a definition of “defamation” in clause 4 of the bill. The amendment is necessary for the functioning of the earlier amendments.

Amendment agreed to.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment) (3.58): I move amendment No 5 circulated in my name [*see schedule 1 at page 994*]. Mr Speaker, the fifth amendment will insert a definition

of “published matter” into clause 4 of the bill. The amendment will clarify the use of the term in the second amendment, and is consistent with the term as defined in section 56 of the Civil Law (Wrongs) Act 2002.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Title agreed to.

Bill, as amended, agreed to.

## **Kippax—master plan**

**MS DUNDAS (4.00):** I move:

That this Assembly calls on the Government to complete a master plan for Kippax by the end of the 2003-2004 financial year, and to fix a firm date for beginning the construction of a permanent Kippax Library and community facility.

Mr Speaker, the people who live around the Kippax Group Centre have been waiting a long time for an appropriate planning regime for their shops. Kippax has become something of a political football over the past few years, as members of this Assembly have continued to make claims, and counterclaims, about the needs of residents in the area. However, the result has been that nothing has happened. Planning in Kippax has virtually stalled and the long-promised library and community centre has yet to come to fruition.

The fact that the Assembly must continue to urge the government to act on planning issues outside of central Canberra—specifically the inner north and inner south—is indicative of the disproportionate attention the inner city is receiving. I appreciate there are distinctive issues and high levels of development in the inner city, but that is not an excuse for ignoring the planning needs of the rest of the territory.

This motion calls on the government to ensure that the master planning process occurs in the next financial year. I believe the people around Kippax deserve a planning process that has a specified finish date. They can then begin to understand the timeframe of the process, rather than get just another open-ended promise. I believe the people of West Belconnen deserve the same attention in planning that the minister has been paying to central Canberra.

Secondly, my motion calls on the government to set a firm location and date for construction of the Kippax library and community facility. I have not set the date. When we had this discussion last year, throughout the media there was, if memory serves, a promise that the library would be upgraded. However, there was no date given for that and we are now here, another year later, with still no firm time line.

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I could have suggested a time line. However, I thought that, by leaving it open, the government would be able to incorporate it into the master planning process—which I believe does need a firm date. Then, as funding becomes available—it may not be in this budget—the community facilities can begin. By putting a firm date on it, and having that time line made public, the community can at least be assured that action is taking place.

I note that, when the Minister for Planning was a member of the previous Assembly's Planning and Urban Services Committee, that committee's report No 72 on Draft Variations 158 and 163 discussed the issue of Kippax. The report's recommendation No 8 stated:

. . . That land in the Kippax Group Centre be set aside for a permanent Kippax Community Centre comprising (and integrating) a new and permanent library, Meeting rooms, a health centre, display areas, provision for Senior Citizens and for youth, and possibly an ACT Shopfront. The integrated centre should facilitate community access. Also, the integrated facility might usefully incorporate space to be used by local members, and by ministers, when seeing constituents.

As a member of this Assembly's Planning and Environment Committee, I know that reports of such committees are not always taken on board by governments and, even though the committees are multi-partisan, the decisions of the committee are not always binding on the parties represented there. I accept that as part of the committee process. This indicates that the issue has been around for a number of years and that this Assembly has heard before, and is hearing again, that we should be setting aside land in Kippax for a permanent community centre and a permanent library—and that the area should facilitate community access.

I would have appreciated it if the former government had picked up this recommendation from the former Planning and Urban Services Committee report No 72. Had that been set up in the last budget, as we were undergoing meetings with constituents, we would have been able to do that in Kippax. However, at this point in time, we cannot.

The library facilities at Kippax are incredibly small. I have met with constituents in the Kippax library. We had to sit around a small children's play table because there was no other space—there were six of us crammed into the back of the room. That is not a comfortable way to have a community meeting, but it was the only space available.

West Belconnen is a growing area. We have already had much discussion about the land release program and the demands being placed on that, but Dunlop continues to expand. Those residents are using Kippax as their main shopping centre because the Belconnen shopping centre is another 15 minutes away. Kippax has become their hub. It is servicing a growing population, and yet, quite frankly, it has been ignored again and again by consecutive governments.

Here we are, two years after report number 72 from the Planning and Urban Services Committee, and we still see nothing. The budget continues to have \$270,000 in it for the design of the library and the community centre. That was rolled over from the previous budget because it was unspent. Yet, as far as I can ascertain, the design phase cannot commence until the ACT government has confirmed the site for this community centre.

To date we do not have a confirmed site. There appears to be a deliberate strategy to delay the construction of community facilities and a permanent library in Kippax. My fear, and the fear of residents in the area, is that this \$270,000—FROM the only official documentation available that there is a future for Kippax—will just disappear and the government will blame issues which have arisen since last year's budget, such as the bushfires and the superannuation situation, and reallocate the money.

In May last year, I tabled a petition from over 900 residents, calling for the immediate construction of the library. The need for this facility has been raised by the community for many years. While a master planning process is long overdue for this area, this should not be seen as yet another excuse to delay the construction of this important community facility.

Residents are sick of excuses and obstructions. We need some firm, hard, decisions that will allow the people of West Belconnen access to the community facilities they so desperately need. Many residents thought that, with the Chief Minister coming from Ginninderra, they would see Belconnen looked after. We have seen—and I was quite happy to welcome—the discussion paper released yesterday on upgrades for the Belconnen bus interchange. I hope that process advances and that the community has full input into that, as called for by the paper.

However, my understanding is that that is part of a program that has seen the upgrading of interchanges across the city. While there have been master planning processes conducted in almost every other centre the size of Kippax, we have not seen any master planning processes in Kippax. Whilst we have seen \$500,000 for the Civic Library in the last budget, we have not seen anything beyond the \$270,000 for design planning for the Kippax library. In the last budget, we saw the withdrawal of funding for the proposed Charnwood skate park and a further delay on the much-needed Belconnen Health Centre.

I am concerned about what is happening to the people of Belconnen, and specifically the people of West Belconnen, who are at a loss to understand why their town centre has been allowed to run down to its present state. The private sports facility that was sitting there has now been closed for over a year. It has caught on fire a number of times. It just sits there with a big fence around it—and there is no progression.

Were the master planning process underway, the community members would be able to feed-in their vision for their town centre. They would be able to put their ideas on the table as to how they want their town centre to look, and how they would be able to use the facilities that could be there.

We have a health centre in Kippax that only a few people know about because it is difficult to access. The front door is hidden from the public frontage. I cannot see how this could be an ideal situation in anybody's mind. That is why I have brought this motion forward.

We have had discussions in this place before, and through the media, about the Kippax library and the Kippax master planning process. I would urge this Assembly to support this motion. Then the people of West Belconnen will be able to see a time line that will progress the much-needed community facilities, the community library and the master

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planning process for their area. They will then be able to participate, like members of other communities around the ACT have been able to, in the planning processes for their town centre.

This is a very important issue. Community facilities are an important part of the community focus. With such lack of attention, the people of West Belconnen are feeling left out of the planning processes across the rest of the city. In their minds, it is basically unfair.

I hope the Assembly will support this motion today. I commend it to the Assembly on behalf of the citizens of West Belconnen and Belconnen. I ask that the support be granted, for reasons of equity and because of the great need of the growing centre of West Belconnen and Kippax. I urge members, if they have not already done so, to go out and see the situation in Kippax, in order that they can fully appreciate the need for the community facilities, a permanent library and a master planning process for that area.

**MR CORBELL** (Minister for Health and Minister for Planning) (4.13): Mr Speaker, the government will not be supporting Ms Dundas's motion today. But it is very important to put on the record the government's approach to addressing the issues that Ms Dundas raised and that members of the West Belconnen community are raising in relation to Kippax and the West Belconnen community. It is equally important that I outline what steps the government is taking to address the issues and why we believe a master plan is not going to substantively address them.

In her motion, Ms Dundas asks the government to complete a master plan for Kippax by the end of next financial year and then to fix a firm date for beginning the construction of a permanent Kippax library and community facility. The government has already taken a number of steps to ensure that the community has its say in relation to Kippax and its role as the group centre for West Belconnen. One of the key steps it has taken has been to say that we are not going to pre-empt community discussion in relation to the future development of Kippax by releasing commercial land at Kippax which is available to be released at Kippax. That is a commitment I gave the Assembly last year, and it is a commitment that the government has stood by.

Since that time I and my colleague Mr Wood have put together a cross-department task force to put together to resolve the range of outstanding issues that have been presented through numerous reports on development and potential development at Kippax. These issues are long outstanding as a result of inaction over seven years by the previous Liberal government. Mrs Dunne can get on her high horse and speak with all the moral outrage she wishes about West Belconnen, but did the Liberals do in seven years to address these issues? Why did they not bother to respond to the last report of the Planning and Environment Committee? That is their record. That is the outcome after their seven long years—zero for the Kippax community. I am confident that this government will deliver tangible outcomes for Kippax in a much shorter time than the time in which the Liberals produced nothing.

The cross-government task force has sought to resolve the range of outstanding issues in relation to Kippax. In doing this work, the government has relied on the work done by the Department of Urban Services on the provision of public libraries across the city,



including at Kippax. This study was completed prior to Christmas, and the report was released to the public in February by Mr Wood. Mr Wood will outline further some of the activities flowing from that study in relation to the provision of public library facilities at Kippax. I will leave that to him to address.

Planning and Land Management have been undertaking the community facility needs assessment for Central Canberra, Gungahlin and Belconnen. This is cross-city work that is needed to determine demand for community facilities and whether there is adequate provision of land if additional facilities are identified as being needed.

Another issue is the existing health centre at Kippax, its location, the need to improve access and the need to improve facilities and services offered by the centre.

Those are the key issues outstanding as a result of a significant period of inaction by the previous government. Having considered all of those issues, the government now believes it is in a position to move forward and address them. A series of proposals will be put together as a result of this analysis and released to the West Belconnen community for its comment shortly. The proposals will include a potential new location for a new library, along with changes to access to the existing ACT health centre and the release of commercial land currently vacant at the Kippax group centre.

That is the approach the government is taking. It is a hands-on approach. We are moving forward. We believe that these issues can be resolved in a much shorter timeframe than that proposed by Ms Dundas. That is why we will not be supporting the motion today. We believe we need to move on. There has already been significant public consultation on the issues at Kippax.

The variation to the Territory Plan that was reported on by the planning committee in the last Assembly and tabled in this place last year involved very extensive public consultation on people's aspirations, views and concerns about the existing design of Kippax. That process of varying the Territory Plan has addressed many of those issues—not all of them, but many of them.

In addition, there has been public consultation on the community facility needs assessment and on the library study. So there have been extensive pieces of work involving community discussion and consultation. It is now time for the government to put the proposals on the table in its response to all the issues and concerns that have been raised, both through public consultation and through the detailed expert studies, and to ask people what they think of proposals to address the issues around the library, the release of commercial land, access to the health centre and services provided by the health centre.

That is the government's approach. Quite frankly, a master planning process in this circumstance will not assist in the resolution of those issues. In fact, it will only delay it. The government wants to move forward and address the issues. I have outlined the process that the government has agreed to. The proposals I have outlined will be released to the community shortly. Mr Wood will be able to outline to members in more detail the issues to do with the library.

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I need to address the issue of the closure of the Kippax health and fitness centre. It is regrettable in the extreme that the existing lessee has chosen to close that facility. However, as a private lessee, they can do that. The government has indicated on a number of occasions that we will take compliance action against the lessee unless they reopen the centre or progress some other use which is consistent with the Territory Plan.

Because of those actions by government and by Planning and Land Management, the lessee has indicated that they wish to proceed with redevelopment of the site to build a series of residential and retail uses consistent with the Territory Plan. It will not require any change to the Territory Plan. They are seeking to vary their lease and redevelop the site consistent with the Territory Plan.

The government has indicated to the lessee that if they wish to do that they will need to undertake a preliminary assessment, because they are proposing to remove a number of community facilities, in particular the swimming pool. They will need to demonstrate through the preliminary assessment that their proposal is not going to detrimentally impact the West Belconnen community. I remain sceptical on that point, but the whole point of the preliminary assessment process is to test whether or not it is justified to allow these facilities to be removed. That process also involves public consultation. People have a right to comment on the PA before it is assessed by the minister's delegate. That is an appropriate process that is both open and transparent.

Mr Speaker, the government has in train a range of approaches for getting on with the centre. It is putting out a detailed proposal for community discussion. Plans are already under way to allow people to have their say on the fitness centre, which is on privately leased land.

That is the approach the government has adopted. The establishment of a master planning process in this instance will not meet the commercial needs of the West Belconnen community. The need is to get on and deliver better services, better infrastructure, better facilities. That is what the government is about. That is the approach we will adopt. That is why we are not supporting the motion.

**MRS DUNNE (4.23):** Mr Speaker, I rise in support of Ms Dundas's motion and congratulate her on it. I have had motions in relation to Kippax on the notice paper for a while now, but I was glad to see Ms Dundas's motion, because it is better than mine and I am happy to support it.

It is good to see that most Ginninderra members are here today to debate this motion. Belconnen has always been at the end of the queue when money has been handed out for capital works and other projects by successive governments in the ACT. Tuggeranong has its arts centre. That was brought about mostly by the local member's commitment to the arts. We have never had that sort of commitment in Belconnen, despite the great work of arts officers in Belconnen, people like Marion Mussared.

Many things need to be done in Belconnen. The health centre needs upgrading. Overall, Belconnen is the ugly duckling of town centres in the ACT. The lake is underutilised, and it will continue to be underutilised, by the people of Belconnen because there are no

community facilities on the lake, unless you want to have a barbecue. It is difficult to sit by the lake and have a cup of coffee, because of bad planning decisions made in the past.

If Belconnen is the ugly duckling or cinderella town centre, Kippax is the cinderella of Belconnen group centres.

**Mr Hargreaves:** Pigs!

**MRS DUNNE:** We have to be frank about our electorate. It is always nice to have a rosy view about our electorate, Mr Hargreaves, but it is also important that we are realistic about the shortcomings. The shortcomings in Kippax are the responsibility of successive governments—not just successive ACT governments but successive Commonwealth governments. I have been involved in politics in the ACT since about 1985. Some of these issues around Kippax and the need for a reassessment of Kippax have been around that long. In the 1994-95 election campaign the issues we are talking about today were the hot issues for the people of West Belconnen.

Mr Corbell is right. Successive governments have neglected West Belconnen and Kippax. I am quite happy to stand up here and take the blame and say that Liberal governments in the past were neglectful, just as Labor governments were. It is not really about looking at the past and saying who was more irresponsible than whom. It is about what is happening now, what the aspirations of the people of Belconnen—the people of West Belconnen in particular—are and what we need to do to address it.

The message we have got from the minister today is: “Don’t you worry. We are from the government, and we are here to help you.” For years and years the people of Kippax, the people of West Belconnen, have been begging, crying out on bended knee, for some simple planning strategies that they can have some input into.

The clear message we are getting from the Minister for Planning today is that the planners and the people on the interdepartmental committees have the answers. This is not how you do planning in Canberra in 2003. You do not set up an IDC. You do not set up interdepartmental working parties to make it happen. You go out and you find out what the people want.

The people of Kippax, through the Kippax task force, have been telling us for years, and it has been falling on deaf ears. The fact that it has been falling on deaf ears is no indication that we should continue to let it fall on deaf ears. The minister said today, “We will not support a master planning process, because we already have all the answers, and we are just about to tell you what they are.” If the minister is going to tell them what they are, why can he not tell us what they are today? We are here today debating the needs of the people of West Belconnen, and this minister says, “We are about to announce it soon.” What better time to do it than today in this debate?

If the minister thinks that there is a better way of doing it, why does he not move an amendment to this motion so that we can debate it and at the end of the day possibly come out of this with something substantial for the people of Belconnen, rather than just a fight across the floor. If we are really concerned about the people of Belconnen, why can we not be constructive and consult with the elected members from Belconnen here in this place and with the wider West Belconnen community?

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There are a number of issues in relation to Kippax that need to be addressed. They have been touched on by both the previous speakers. It is an area that has suffered from a lack of strategy and commitment from successive governments. While Dunlop is going ahead in leaps and bounds, there are other areas where there is a marked decline. We have seen the successive sagas of the decline of the Latham shops and now the Macgregor shops.

At Kippax there is the farce, as Ms Dundas has rightly pointed out, of a health centre that you cannot get to because the front door faces a truck turning bay. Somebody decided a few years ago that we should try to alleviate the problem of the truck turning bay by shifting it, but they did not bother to consult any of the people who worked in the shops. To my knowledge, about a month ago the truck turning bay, on which construction started in February 2001, was still not complete. It is still not in operation.

Every time I attend a meeting of the West Belconnen LAPAC and something comes up about Kippax—whether we make a modification to the supermarket, whether we do this or whether we do that—the constant cry from the people is: “Where is the Kippax master plan?” It is a really simple task. It does not have to take forever. If the minister is right and a whole lot of work has already been done, that can be fed into it. But the people of Kippax want a say about their supermarkets, the configuration of their shops, how to revitalise their shops, how to provide services to a wide area of people with a variety of socioeconomic backgrounds, most of the whom you would consider to be in Labor heartland. But where is Labor today? They are saying, “It is all right. Don’t you worry. We are the government and we will look after it all.”

We have a derelict health club and the ongoing farce of a library in a demountable building. I too have conducted meetings with constituents in the Kippax library. Luckily, I got a full-sized table, but it was tucked away in a corner. It occupied part of the space normally used to read stories to kids, so that activity was disrupted. The whole place creaks. Every time somebody walks by, the table rocks and the bookshelves rock. This is no future for the people of Belconnen.

Mr Wood should be concerned about the quality, safety and amenity of the Kippax library. I am sick to death of hearing, “You did not do anything, so why should we do it?”

**Mr Stefaniak:** They were the government that almost closed it.

**MRS DUNNE:** They were the government that almost closed it. That is right, Mr Stefaniak. Since then very little has been done.

**Mr Wood:** Did we close it? That is news to me.

**MRS DUNNE:** Almost closed it. You came to the brink and then you pulled back.

This is no way to build up the social fabric of an area which has many social needs. There are very few community services in Belconnen. I would like to contrast Belconnen with Weston. That is not to say that I begrudge Weston. Over the years Cooleman Court, has gone through a great deal of revitalisation.

**Mr Wood:** They do not have a library there.

**MRS DUNNE:** They do not have a library, but the roads and the infrastructure are of much better quality. That is perhaps because a few local members live in the area. Is that what the people of Belconnen need? The Labor members of this place who represent the people of Belconnen are doing them badly.

I commend Ms Dundas's motion to the house, and I congratulate her for moving it.

**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) (4.33): It is our day to be chastised. But there is progress. Everybody seems to be saying that it has taken a fair while to get things going at Kippax. I rather like the shopping centre there. I do not get out there too often. It is about 45 kilometres from where I live, but I do get there occasionally.

I am now committed to getting a new library on that site. I can give you a timetable for that. Look at the budget this year. If there is funding for a Kippax library, the library will be built pretty soon. I am battling for it. But if the budget this year does not have it, the budget in the following year will have it, I would hope.

It is like any other capital works program. You know the story. We put up the options. Not every option gets the nod. There is money for design work. That can be done. As soon as we establish the site, the money for the design work can be spent. The date for construction will be dependent on the budget. Just wait and see on that. I am promoting a few other capital works projects within the government. We will see what gets up and what does not get up.

I think the task force has cut a lot of corners. I think the task force has done a good job in what has been a pretty confused situation at Kippax. Lots of people, quite properly, have had a great deal to say. There has been confusion about the closure of the sports facilities, the future of the library, the health centre and the like.

I have seen the report of the task force. It should be made public very soon. I think their solutions are excellent. By going down that path we have shaved a lot of time from the process. Having come up with what I think are good options, I agree with Mr Corbell absolutely that we do not need to go into a full-scale strategy for Kippax. I think there has been enough discussion on that.

We now need to go back to that community and say to them, "This is what the task force thinks. Have a look at it, think about it and come back and tell us." We can short-circuit the process that Ms Dundas's motion—maybe it will be amended—proposes. I have seen the task force's suggestion, for example, about where the library should go. I think it is a great solution. The members for Ginninderra, I would think, will say, "Why didn't that come up ages ago?" I think the solution will be broadly accepted. It is up to Mr Corbell, who is responsible for the planning process, to release the details of that soon. I will wait for that, but it looks good to me. I would be very happy to build a library in the proposed location.

Mrs Dunne said that the people in Kippax have said what they want. I think the task force has heard that and taken it on. Now the taskforce has said, "How about this as a way to achieve what you want?" We should now go back to the community with that task force proposal and see what comes out of that. We should see whether we can short-circuit the much longer planning proposal set out in the motion.

I would like to get the library up. I would like to open it in this term of government. That is getting a bit optimistic, but I would like to be able to do that. Mr Stefaniak and Mrs Dunne, as locals, could come and help me cut the ribbon. I have indicated the funding background that that depends on. I think finally we are at a stage where what will happen at Kippax can start to move forward.

**MR STEFANIAK (4.38):** I support Ms Dundas's motion. She also has some amendments which sound pretty good. Mrs Dunne and Ms Dundas have made some very good points. I start with Mrs Dunne's point about Belconnen, especially Kippax and north-west Belconnen, being an ugly duckling. I have been a resident of north-west Belconnen since 1994. I can remember going to a public meeting of about 200 people outside the temporary library site, which then operated for about 30 hours. In May 1994 or July 1994—I am not exactly sure when—I can remember sympathising with our current Speaker, a local member, defending a Labor government decision to close the library. Thank God that did not occur. When we became the government in 1995 I was able to get my colleague Tony de Domenico, who was then responsible for libraries, to increase the hours of operation.

Mrs Dunne is quite right about Belconnen being an ugly duckling. A lot is being done by the federal government and by this Assembly on the development of Tuggeranong and other areas of Canberra. Belconnen is often seen to be left out. That is why I was so keen for Belconnen to have a good facility like the Belconnen aquatic centre. I was happy when that was put in the capital works program in 1997. I was disturbed when competition policy issues delayed that project. I was happy again when it got back on track just before the last election. I am a little bit concerned that, whilst there is a nice big hole in the ground and a little bit of work has been done, that project is still behind the schedules which were set in about June 2001. Hopefully, the project does not have too much further to go. It will benefit not only Belconnen but the region.

I was very keen to support and fund things like the boat shed at Ginninderra College and theatre at the Belconnen Community Centre. Mrs Dunne quite rightly points out that Tuggeranong has an arts theatre. Belconnen has an excellent arts community but has to do with facilities that are not as good as other places in Canberra.

**Mrs Dunne:** Substandard

**MR STEFANIAK:** Mrs Dunne says it is substandard. Ms Dundas called for a facility on the lake. The lake does need extra facilities to get people to use it. An arts centre there with a theatre would be an excellent initiative and appreciated by not only the arts community but people at Belconnen generally.

I was pleased to start upgrading low-maintenance ovals in Belconnen. The Macquarie

experiment became the way we did it. That was because of the dearth of facilities that Belconnen had compared with other parts of Canberra.

There were two interesting proposals to renovate Kippax. I thought both of them were quite good. I went to meetings on both about two years. One was to upgrade the fitness centre and build a new library and other community facilities. The other one involved another supermarket, a new library and some upgraded facilities. The fitness centre, which was used by a lot of people, closed. I put some questions on the notice paper about the fitness centre and got some responses. There has been vandalism there, as one would expect. In fact, arson has been attempted. The place as it stands is quite dangerous. Mr Corbell said that something is happening there and that there are complications because the land is leased to a private individual. But I hope that there is movement there, and very quickly. It is an eyesore. Whatever the government needs to do to get that moving it should do.

I have been very concerned. I get complaints from the LAPAC and from various people in north-west Belconnen about the lack of progress in relation to the Kippax centre and the concerns both Ms Dundas and Mrs Dunne have expressed in relation to the library. It is crucially important that we have a permanent library there as soon as possible. I am a little bit heartened by what Mr Wood has had to say, but there is nothing definite. I will believe it when I see it. That library has either been under threat or has been substandard for far too long.

Like both Ms Dundas and Mrs Dunne, I have met constituents there. I did a Meet the Minister there. I got a better table than Ms Dundas, probably one similar to Mrs Dunne's. I took up a lot of room with constituents. It is poky little library. Operating in the place brings home to you just how small it is.

A lot of people use that library. A lot of elderly people who live around Kippax use the library and the centre. It is one of the more popular libraries. It is one of the best used libraries in Canberra. I am not sure how many hours a week it operates, but there is a desire for that temporary library—it was only ever meant to be temporary—to become a permanent library. We still do not have that and we still do not have the community facility.

The area is changing. There have been quite a few APUs, and in recent times we have seen Dunlop develop. Kippax, the major group centre in the area, services the growing area of Dunlop. North-west Belconnen has a catchment population of about 30,000. It is a very significant area of Canberra.

**Mr Corbell:** Didn't you close a high school in West Belconnen?

**MR STEFANIAK:** It had three people in it, Mr Corbell.

**MR STEFANIAK:** What have you done in north-west Belconnen? You tried to close the library. You and your government now seem to accept the need for a permanent library. Your colleague Mr Wood has indicated that he is gunning for a library.

**Mr Corbell:** Mr Deputy Speaker, I take a point of order.

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**MR CORBELL:** Mr Stefaniak should address the chair, consistent with standing orders.

**MR DEPUTY SPEAKER:** At the same time, Mr Stefaniak should not be provoked by government members interjecting. Proceed, Mr Stefaniak. You are both equally guilty.

**MR STEFANIAK:** Mr Deputy Speaker, I will address you. My apologies for that. Perhaps I am getting like a few government members who do not address the chair. At least Mr Corbell's colleague has indicated that he is going in to bat for the library. So he should. That is very positive, given that Mr Wood was a member of the Follett government, which was going to close it. I am pleased to see the turnaround.

Ms Dundas's motion is worthy of support. It is something that people in north-west Belconnen who use Kippax are calling for. Only today I have received correspondence from people involved in the area who want to see a complete master plan for Kippax. They mentioned Charnwood as well.

Mrs Dunne is quite right. All governments could have done more. I was pleased to see at least some improvement made to the amenity of the shopping centre by the previous government and an improvement made to Charnwood. But more needs to be done, and it needs to be done now.

The area is growing because Dunlop is growing. The area has been neglected over probably a 20-year period. It is a nice area, Mr Wood. You are quite right. It is a great place to go and shop. It services 30,000 people. More needs to be done. Ms Dundas's motion hits the spot in terms of what members of that community want to see happen. It is worthy of support.

**MRS BURKE (4.47):** I have been listening to some very positive points coming from the government benches, amongst the slagging and bagging of the former government, but we will leave that there.

Does the community know where things are up to? We talk about open consultation and good processes. From the feedback I get from people at Kippax, they do not know where things are up to. Obviously you have not kept them informed, Mr Corbell. Kippax certainly deserves to know where things are up to. I do not think they do. They seem to be in the dark. It is a process that seems a long way off.

I wonder when the businesses in Kippax Fair were last contacted and consulted. They have opportunity, but have people been around? It has been a very touchy issue for many years. The area is becoming more and more run down. It is unacceptable. It is time for the government to stop bagging the former government. They have a plan. They were in opposition for six years. They kept telling us they were ready for government. They said, "We have all the answers. We have all the solutions." Now is your opportunity, guys. Get on with it.

Businesses in the area are concerned about the drab and run-down state of the Kippax centre as a whole. It is not just about a library, although that is one very important aspect that people ring me about all the time. It is about the dilapidation and unattractiveness of the place that are deterring people from going there and setting up business there.



The library is one issue. It is a very interesting issue. Has West Belconnen been forgotten by this government? That is what I ask myself. That is what I get asked. I am asking this question of the government, not of the former government. What is this government going to do? They made some promises. They said they were going to do things better. I want to see them act on that. It is time to stop the blame game that we keep getting accused of. Labor now have an opportunity to put things right.

One business has been broken into and another has suffered severe vandalism twice in as many months. I am wondering whether the government are up to date with their information and realise that. With losses of around \$5,000, it does not seem small fry to me. The place is sad and run down, and businesses are suffering.

I support Ms Dundas's motion. I understand that she has circulated some amendments. Let us see the timetable. Let the government put their plan on the table for all to see, and quickly.

**MS TUCKER (4.50):** The Greens will be supporting this motion. Planning and providing community facilities in Kippax have been ongoing problems and an irritation for the community under successive governments over the years. While this has been an irritation for the Liberal and Labor governments that have not grasped the nettle and provided the solutions the community has long been calling for, it has been a case of long drawn-out frustration for the people of Kippax, whose reasonable expectations for community facilities have been given a very low priority over far too many years.

This neglect and stuffing around has resulted in an intense sense of frustration on the part of the community, coupled with considerable suspicion of government planners' intentions. These people have good reason to recognise and question the line: "I am from the government. I am here to help you."

It will be a big challenge, then, for this government to convince the Kippax community that it will consult in good faith and deliver the sorts of community facilities they have been seeking and that the planning regime will be sound and community focused, rather than develop led and ad hoc. But that is the government's challenge, and I hope it is up to the task.

I would like to thank the minister for providing a briefing by PALM on the Kippax issues and for the work planners have been doing in this area since these matters were last debated in the Assembly in the middle of last year. Although we did very much appreciate this briefing and the insight it gave us into the government's intentions, I must point out that there are glaring differences between what the community-based Kippax task force has been asking for and the concept plan that the government plans to present to the community for consideration.

I have been assured by the government that this is only a concept plan and that it is open to variation on the basis of the community consultation phase about to begin. We accept that assurance in good faith and will be most interested to see how this plays out.

It will be up to the government to mediate differences between what the community says

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it wants and what the government would like to deliver on the basis of its understanding of what the community wants and needs.

This motion focuses on two things the community is seeking—the long-awaited permanent library to replace the temporary one the community has been required to make do with for some 12 years and a master plan for Kippax to guide its future development.

On the issue of the master plan, the government holds the view that its planning has already gone beyond what a master plan can deliver and that embarking on such a process would merely set back the government's earnest intentions to deliver these community facilities to the people of Kippax. Further, it holds that a master plan is not necessary, because there is not a great deal of unleased land in Kippax to be planned for.

So the government will say to the Kippax community, "You do not need a master plan. This is what you need." But the trouble is that the community is by no means convinced of this. The community believes that up to now developer-led planning, ad hoc development and neglect of the community's concerns have been the big problem for Kippax and that a community-centred master planning exercise could be an effective tool to get the balance right. They see that the process has delivered good results in Jamison and hope for a similarly positive outcome for Kippax.

Again, it is for the government to try to win the confidence of the Kippax community and satisfy community members that all is well in hand and that indeed they do not need a master plan to protect them from the threat of poor planning driven by development proposals at the expense of the broader community.

Given that the government has not convinced the community, or me, of its view that a master plan for Kippax is not necessary, it is appropriate for me to support the call for one in this Assembly. I note that Ms Dundas has amendments to her motion that soften the requirement to produce a master plan. I have concerns about the amendments, and I will expand on them.

On the library issue, I expect the government will reassure the community that it recognises the need and is acting on it as expeditiously as it can. The minister has been stalling on the community's persistent call to designate the site of the library and community centre on Hardwick Crescent, on blocks 15, 16 and 53 of section 51, which is now vacant and unleased. Indeed, after much consultation, the previous Assembly planning committee—of which the current minister, Simon Corbell, was a member—unanimously recommended that this be the designated site.

The community has been calling for this site to be confirmed so that the money allocated for design work can be spent and the process got under way. They are concerned that the allocated money is not being used and that it may disappear on them, as I think happened with the Charnwood skate park money.

We now know that the reason the minister has delayed is that the government—whether it is PALM or the minister himself who is driving this—wants the library and the community centre to go on another site, albeit still on Hardwood Crescent but on the

other side, so that it can reserve blocks 15 and 16 for a new supermarket to compete with the existing one.

It is not at all clear that the community is clamouring for another supermarket—it is certainly not in the way it has been clamouring for a permanent library—but the government seems to hold the view that it needs one and that the only viable place to put it is on the site where the community wants its library.

PALM has been working on a plan that it believes will deliver what the community wants in the best possible way, but it remains to be seen whether the government and the community can agree on this. Indeed, while the community is probably not yet aware of the specifics of what PALM is planning, it is deeply suspicious of the agenda and has been seeking the intervention of the minister, as their political representative, to intervene and override PALM's efforts to offer them something different from what they have been asking for and to designate the site and get the planning and construction under way.

I do not want the government to get me wrong here. I was certainly pleased to hear about the planning work PALM has been doing in its endeavours to meet the community's needs for a library and other facilities. I am glad it has not been sitting on its hands. It may well be that the proposals PALM is working on have considerable merit and that the community will see the merits of PALM's suggestions.

But, again, I draw attention to the significant differences between the community's and the government's conceptions of what is a good thing for the future planning of Kippax. And I draw attention to the government's responsibility to mediate between these two conceptions, but ultimately to serve the community's interests, and to be very careful of an approach that tells the community that the government's understanding of the community's needs is better than their own.

I wish the government well in working through these issues with the Kippax community and delivering to them a good permanent library and community centre—very soon, I hope—a community-friendly group centre and sound planning for future development.

I support this motion as a spur for the government to redress the longstanding problems with Kippax. I understand that the community were prepared to relinquish their call for master planning today for reasons to do with members not present in the chamber. But I am concerned about relinquishing that call, because I do not have confidence, and neither does the community, that what is going to happen instead will satisfy a real engagement with the community—a process that leaves the community feeling respected and listened to, rather than one that tells them, “This is what we have come up with. We will consult on it, but it is what we are doing.” For many people in the community, the master planning process has presented a model which will give them a greater guarantee and assurance that within the processes their views will be taken on board.

I want to put on the record my concerns about amending the motion so that it just asks the minister to table the timetable for further planning consultation for the Kippax group centre. The fundamental assumption in that is that the consultation is going to work and that it is going to be genuine. That may be the case, and I hope it is, but people in the

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community do not have confidence on this issue. That is why I think it would be better and more respectful to allow a master plan process. I do not see why the master plan process has to slow everything down so much. Maybe I need to be told it will not. Ms Dundas's motion requires that this announcement be made not at a certain time but by a certain time. If we can do it more quickly but still have the fundamental structure of a master plan, then we could achieve the ends we all want and the community wants.

**MS DUNDAS (4.59):** Mr Deputy Speaker, I seek leave to move the three amendments circulated in my name together.

Leave granted.

**MS DUNDAS:** I move:

- (1) omit "to complete a master plan for Kippax";
- (2) after "financial year," omit "and";
- (3) after "community facility" add "and table the timetable for further planning consultation for the Kippax Group Centre by 1 April 2003."

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

**MS DUNDAS:** I move my amendments with a slightly heavy heart, but I am committed to getting on the record this Assembly's support for a planning process in Kippax and for redevelopment of the Kippax library. We could leave the motion stand and make the point that just under a majority of this Assembly are committed to a master planning process, but in my mind that would not progress issues in this Assembly and put it on the permanent record that this Assembly as a whole recognises the need for planning and redevelopment in Kippax for the West Belconnen community.

Rest assured, Minister, that if the planning process that is under way does not result in any greater confidence within the community about the progression of redevelopment of Kippax by the end of this year, then there will be nothing stopping us from coming back on the first sitting day of 2004, again calling for the master planning process in Kippax. I give notice that if the minister's planning process as outlined is not satisfactory then that is the likely outcome.

Further, my amendments seek to have the timetable for the planning process that the minister has discussed tabled in this place so that we can see it in black and white and so that there is a concrete timetable the community can monitor and be part of.

I hope that with these amendments the majority of this Assembly can agree that we need planning in Kippax and that we need firm dates to go with these planning processes. Then we can move on and get community input on rebuilding the Kippax group centre for the community of West Belconnen.

**MR CORBELL (Minister for Health and Minister for Planning) (5.03):** I thank Ms Dundas for her preparedness to consider amending her motion. It is a good

compromise and consensus position. The government is very happy to support the motion as Ms Dundas proposes to amend it.

In these debates community is put forward as though it were an amorphous blob that thinks in a uniform manner. Whilst I recognise that there are people in the community who feel very strongly about the need for improved facilities at Kippax—and I acknowledge and understand those concerns—there will inevitably be a diversity of view on how those facilities come about.

The views of those people who are more active may be, but are not automatically, representative of the views of the broader community. In politics we always struggle to understand what the views of the community more broadly are. We have to make judgments about what the view of the majority of the community or a representative group in the community is. That is the challenge at Kippax, as it is in any other planning process.

There is no doubt that being Planning Minister gives you a different perspective on these things. That is part of the process of growing and living in the Legislative Assembly. All members will encounter that at some stage, especially members who are, have been or will become ministers.

The important issue for the government is to ensure that the issues are effectively addressed. The bottom line for the West Belconnen community is that they want to see something happen. They want to see better facilities. They want to see better outcomes that meet their needs. The government, as is its obligation, has done an expert assessment, using people who deal with planning issues and community facility issues to come up with the data that is needed to start to make some decisions. But it is not possible to make those decisions well without the engagement of people who end up using the facilities and the services.

The government will put out its proposal in the coming months. I am very happy to agree to Ms Dundas's amendment asking that I outline the timetable for further planning consultation by 1 April. I think that is a very workable proposition. I am very happy to do that. I would hope that that would give community members some confidence that there is a process that they can be engaged in and can contribute to so that they can see some light at the end of the tunnel. It is important that we try to deliver some light at the end of the tunnel on this issue. That is going to be the approach that I and other ministers with responsibility for this issue adopt.

The government will support the amendments. It will focus very strongly on getting the outcomes that are needed at West Belconnen and not solely on the processes needed to achieve those outcomes.

**MRS DUNNE (5.07):** I rise to lend the opposition's support, reluctantly, to Ms Dundas's amendments to the motion. I thought the motion as it stood said all that was necessary, but I agree with Ms Dundas that today we need a result for the people of West Belconnen, the people who live around and use the Kippax group centre. Because the result is unclear because of the non-appearance of some members, I reluctantly go along with a consensus view with the government and crossbenchers on what might be a way ahead.

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I look forward to 1 April and seeing what the government has in mind for the people of West Belconnen. I put the government on notice that there are still two other motions on the notice paper in relation to Kippax. If there is not a satisfactory outcome on 1 April, they might see this back on the program on 2 April.

Question put:

That **Ms Dundas's** amendments be agreed to.

The Assembly voted—

Ayes 16		Noes 1
Mr Berry	Mr Hargreaves	Ms Tucker
Mrs Burke	Ms MacDonald	
Mr Corbell	Mr Pratt	
Mr Cornwell	Mr Quinlan	
Mrs Cross	Mr Smyth	
Ms Dundas	Mr Stanhope	
Mrs Dunne	Mr Stefaniak	
Ms Gallagher	Mr Wood	

Question so resolved in the affirmative.

**MS DUNDAS** (5.13): I am hopeful now that this motion will pass the Assembly; that it will be the consensus view of this Assembly that we need to know what is happening with the planning process in Kippax; and that the people of West Belconnen can be assured that their issues have not been forgotten by this Assembly in any way, shape or form.

It was pleasing to see the government remake their commitment not to release commercial land in Kippax until further planning processes have been completed and we have more information about the future of the library.

Today is the first we have heard about the cross-department task force that is working to resolve these issues. The timetable for further planning as required by my amendment, now part of the motion, will add light to the work of the cross-department task force and its timetable.

We have heard that the issues at Kippax can be resolved before 30 June 2004, which is the date set down in my motion for the commencement of the permanent library building. I hope that the issues at Kippax can be resolved before 30 June 2004; that they can be resolved as soon as is possible. The people of West Belconnen, a growing community, have been waiting for years, almost a decade, for outcomes relating to their library site, their lack of community facilities, and a constructive plan about the future of their group centre.

I thank members for their participation in the debate today. We have raised a number of issues that have been affecting the people of West Belconnen and the Kippax

community. I am glad that the Assembly will now support my motion and that we can move on to focus on outcomes for the people of Kippax, outcomes for planning and outcomes for the community of West Belconnen.

Motion, as amended, agreed to.

## **Canberra's 90th birthday**

**MR HARGREAVES (5.16):** I move:

That the Assembly:

- (1) acknowledges that today is Canberra's 90th birthday;
- (2) expresses its joy at living in Canberra for all that it offers;
- (3) acknowledge further that following the bushfires of 18 January this year, we applaud the community spirit that has shone through and can now be described as quintessentially Canberran.

I sincerely hope that Ms Dundas, Mr Berry, Mr Stefaniak and anybody else who is a member for Ginninderra will get the library fixed up before Canberra's 100th birthday. I am sure that they will. Another member for Ginninderra is the good Chief Minister. I am sure that he will be agitating also on behalf of those people. Ms Dundas said that the library issue has been going on for 10 years. She was only a little nipper then and has had the benefit of growing up in this fine town of ours. We are seeing the product of this fine town representing the fine burghers of Ginninderra and fighting damn hard for that library in Kippax. I wish them all the best of luck. I hope that it will not take any longer than the debate to deliver on the promise.

Today is Canberra's 90th birthday. We have achieved a great deal as a community in those 90 years. By world comparisons, we have a relatively short history as a city, but it is important to acknowledge that Canberra and its surrounds have been home to the Ngunnawal people for more than 20,000 years. We have a rich heritage to draw upon and we owe a huge debt to the Ngunnawal people for that. The creation of Canberra as the national capital was hugely significant in Australia becoming a federation. It is difficult to imagine the six states coming together with Sydney or Melbourne as the capital. I just cannot imagine it and it just would not happen.

I love living in Canberra. I have been a resident since 1968, about 35 years. When I have been challenged about my citizenship by people who have been born in this country, I have said to those people that I am an Australian by choice, not by accident of birth, and I am a Canberran by choice, the product of an air force family that travelled round the place like gypsies. I jumped ship when we got to Canberra, because it is the best place in the country.

I am a Canberran by choice and I live in Tuggeranong by choice, having lived in Belconnen for a long time, having lived in Garran and having lived in O'Connor. Finally, I went to Tuggeranong. I am sure that that is where the Ark of the Covenant is secreted. It is God's own country, as the good member for Molonglo, Mrs Burke, knows only too well. We share the suburb and she knows that Tuggeranong is an absolutely wonderful place and is representative of what Canberra is all about.

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I would like to share with members some of my favourite things about the city. I have mentioned Tuggeranong. Why? If you sit on top of the hill on Erindale Drive and look off, you will see the four seasons unfold before your eyes. You will see the beautiful colours of autumn, the freezing snow of winter, the beautiful vista of the mountains and firewood smoke wafting gently across the valley. What you are actually seeing, though, is the spirit of Canberra.

We have the Tuggeranong festival every November, rain, hail or shine—or all of them in the same afternoon—and we have people showcasing what Tuggeranong and Canberra generally are all about. We have people coming from as far away as Wollongong and Albury. I can recall talking to people from those areas who were wanting to come here when I was the media officer for it. Recently—in fact, last year—we had an incredibly impressive event which attracted thousands of people, with 3,000 or 4,000 people being at a major free concert.

The committee awarded life membership to the person who provides the rides every year, Kerry Flaherty, who actually comes from out Captains Flat way, because he has been a stalwart of the festival for a length of time. The Tuggeranong festival shows off just so much. It is a snapshot of Canberra, but we do not acknowledge it enough.

I mentioned before all the places I have lived in Canberra. One of the really wonderful things that I am sure all the members here share is in being part of a growing city. When I got here in 1968, Mr Deputy Speaker, the Mawson telephone exchange was as far south as you could go. I lived in Garran, your own fair suburb or former suburb, and I can remember going out to the tip upon which the lovely suburb of Isaacs was built. There is an archaeologist's dream in the making out there that the good burghers of Canberra will be delivering to the school of archaeology in a couple of hundred years time by way of the pine forest, or remnants of it, and the tip—don't forget the Isaacs tip!

Then I saw Canberra expand. I went out to Holt when there was one tree in Belconnen, a huge tree now protected by the tree legislation. It was over 12 metres tall and it was in my backyard. I had the only tree in west Belconnen, in the suburb of Holt. I got a guvvie house and raised my kids there.

**MR DEPUTY SPEAKER** (Mr Cornwell): Is that the one that is going to be chopped down?

**MR HARGREAVES**: No, it is not allowed to be chopped down, Mr Deputy Speaker, because it is more than two axe handles across. In fact, it is only one chainsaw across, but it is two axe handles across. I moved on then, as we all do, and was delighted to see Tuggeranong grow.

There is a lot to be proud of in this city. We do have some problems, however. We have still got poverty to alleviate. We have still got homelessness and unemployment. In my view, we do not yet have total universal access to quality education and health services, although the government is addressing it. We have to stamp out child abuse, which is existent in our community. We need to tackle more strongly youth suicide and attempts thereof. We need to achieve legal equality for our gay and lesbian citizens. Some action



is taking place there. We need to have true reconciliation of the spirit with our indigenous people. I could go on, but I won't.

Mr Deputy Speaker, I also think that we need to address our role within the federation. It is time for us to challenge our status as second-class citizens in referenda and our underrepresentation in the House of Representatives and the Senate. Individually, we should be saying to our local representatives on both sides of politics—the good Senator Humphries, the good Senator Lundy and our House of Representatives members—that somehow they should use the influence they have and let us not be dependent upon population growth elsewhere. We should have it here for ourselves. I am not suggesting that a motion of this Assembly is needed. I just wanted to raise the issue, which is one of concern to me.

In looking to the future, I envisage a progressive and tolerant city of about half a million people—that is not an unreasonable estimate—that provides employment and housing for every one of them, no matter where they live. We need to make sure that there are jobs for the generations coming along. We also need a second economic food chain. What we have at the moment is almost total dependence on the public sector pay packet: 44 per cent of it comes directly from the public sector pay packet and 54 per cent or something like that comes from the private sector, but that private sector is predominantly dependent on the public sector pay packet. We need some innovation in the ACT to enable us to move away from that dependence, so we need to be creating economic opportunities for exports from this town. Why is that? It is for our kids.

In my view, we have a world-class health system, but we need to do better. We need to stamp out the poverty I was talking about. We need to have a viable public transport system, probably with light rail in it, but we will talk about that later. But, most of all, we need a city that provides all of its kids with the opportunities to realise their potential that I had.

When I came to Australia, I spent six years at a migrant hostel living in a Nissen hut and my father, who is no good with his hands, used to make my Christmas presents and my mother used to sew them. At the end of the day, I am standing here with you and I have a degree and I am fortunate enough and honoured enough to represent people in this Assembly. I would not have had that opportunity in any other country in the world, nor any other community in this country. It was Canberra that delivered that for me and I want the same Canberra to deliver that to my grandkids. I am pretty sure that it can.

Canberra has suffered a lot in the last few months, which makes it even more important that we celebrate the good things about the town, including the strength of its citizenry. I have told a humorous story about people standing in the ashes of the bushfires and laughing about some of the funny things that went on. The strength of those people was phenomenal. We need to celebrate that. Canberra has turned 90. We can celebrate that, of course, and look forward to the centenary. I hope to be sticking around until then. With a bit of luck, I will be pestering the opposition at that time.

In looking back, we should look at some of the landmarks. We all know about the biggies, such as Parliament House, the old one being built in 1927 and the new one in 1988. Burley Griffin came along in 1963. Tuggeranong was settled in 1974. Self-

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government came along in 1989. One of the really big landmarks of modern history in Canberra was the return of a Labor government in 2001. That was a magnificent achievement.

I should say something about some of the other points of excellence about this wonderful town. There is now no charge for Floriade, the best floral display in the southern hemisphere. We have, quite seriously, an excellent innovation in the National Zoo and Aquarium that is attracting visitors to Canberra. We can celebrate that as a community. We do not celebrate enough the heritage places we have, such as the Lanyon Homestead.

There is some heritage stuff out Mr Stefaniak's way, towards Ginninderra Falls. There are some really top places out there. We have Tuggeranong Homestead. The Ginninderra School House is another one I can think of off the top of my head. We have the Tuggeranong School House. We need to recognise the fact that they are there. After 90 years, let's recognise that they are there and celebrate it.

Everybody comes to this town to look at all the things in the parliamentary triangle—the National Gallery, Questacon, the National Library, the National Museum, the War Memorial and so on. Everybody in the country knows about those. I am more interested in the ones that those people do not see. They do not see the innovation that we have round this town. I would like them to see some of the social experiments that have actually worked.

I happen to be gobsmacked every time I come over the hill at Erindale Drive and look down into the valley. I get quite emotional about it occasionally as it is such a fantastic scene. I look down on Lake Tuggeranong to see the activities there. The lake is small, but it has nice yachts on it and looks tremendous. It has model yachts on it. It has sea scouts. There are people walking around the lake.

When I lived in Preston, you could mow the lawn with a pair of nail clippers—I know because that was my job. We have a delightful city. We need to celebrate it. We need to celebrate that it has grown up from, as was said about Tuggeranong, being a good sheep paddock gone wrong. We need to make sure that everybody in the whole world knows about Canberra. We are 90 years old. Let us resolve to prepare for the time when Canberra is 100 and mark that event in a humungous way.

Mr Deputy Speaker, I could rabbit on for ages and ages about Canberra, but I won't for very much longer. I just thank God that I have a slice of heaven within my part of the world. I have lived in the part of West Belconnen that we were debating a minute ago. I can remember going to Mama Ria's pizza parlour in Kippax, which had the best pizzas in town at the time, and enjoying bringing up young kids there. It is just delightful now to see my grandkids running round the other side of town.

I reckon we ought to think quietly to ourselves about that sometimes. Being 90 is a huge thing; it really is. My wife's grandmother is 95 and she is something else. I reckon that Canberra is a grand old lady, just like my wife's grandmother.

**MR STEFANIAK (5.30):** I am not going to say a huge amount because Mr Hargreaves has said quite a lot. His motion is eminently worthy of support, acknowledging

Canberra's 90th birthday, expressing the joy everyone has in living here and acknowledging the wonderful community spirit that was exemplified after the tragedy of the bushfires. The opposition will be supporting the motion.

I could take umbrage at a few things he said, I suppose. I would not necessarily agree that the founding of Tuggeranong in 1974 was a momentous event, although it is a wonderful area. It is one of the few places in Canberra I have not lived in, although I am foundation president of the Tuggeranong junior rugby club. I do not know about the election of this government in 2001 being a momentous event but, that being said, Mr Hargreaves has expounded the virtues of Canberra very well.

I think we are incredibly lucky. He rattled off a few things which could be improved. Maybe we need a jail and our courts could be a bit tougher than they are but, all said, I think that we live in a place which would be the envy of most other places in the world. We have wide open spaces, four distinct seasons, a very good infrastructure, education system and health system, and it is easy to get around.

I was born here. I was delighted to see more native Canberrans, Ms Gallagher and Ms Dundas, become part of this Assembly. I have seen Canberra grow from having about 30,000 people. I saw the lake go in. I can remember the 1956 floods when the Molonglo took the form of what the lakes were to be. As someone who has had the benefit of going through our public education system and going on to uni to get two degrees, I can attest to the quality of our education system and the fact that it offers everyone in our community the opportunity to get on in life. In fact, there are no real excuses for people who do not take the opportunity to better themselves in a place like Canberra, because it does offer something for absolutely everyone.

The opposition will be supporting Mr Hargreaves' motion. I can think of no better way to conclude than to wish Canberra a happy birthday in the traditional way. I ask members to join me in doing so.

*Members singing—*

**MR DEPUTY SPEAKER:** I am not sure that the standing orders have not been breached, but I cannot find a reference to that.

**MS TUCKER (5.33):** Ninety years on from the actualising of the Burley Griffin vision in the founding of Canberra in 1913, it is a good time to reflect on how Canberra has developed over the period. I would describe it as being in fits and starts. Canberra has had periods of committed and even visionary attention and it has had periods of neglect and stagnation; the way it went depended on the disposition of the federal government of the time.

While the purpose of Canberra's existence was always as a seat of government, Burley Griffin recognised that it was not merely a place for institutions, but a place for people to live and to meet. It is the planning for people aspect that has been particularly patchy over the years.

Canberra was long managed by a Commonwealth government department or agency, under the stewardship of the minister for territories, with no direct accountability to the

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people of Canberra and very often very little interest in them. There were periods of committed and tenacious development under Commonwealth governments that got behind the Canberra vision, most particularly under Robert Menzies and then later Whitlam.

Canberra's economy and employment base have traditionally been very dependent on the stance of the federal government. A more expansionary Labor government might provide consistent growth in the Canberra economy, while a conservative government with a commitment to Canberra bashing could readily send the Canberra economy into recession, such as occurred in the Fraser years and in 1996 with the election of the Howard government.

But it was never as simple as a Labor-Liberal dichotomy. There have been conservative governments that have taken a positive approach to Canberra's development and there have been Labor governments, such as the Hawke-Keating government, that have either neglected Canberra's development or even presided over a very significant downsizing of its employment base.

While some Canberra residents accepted the Commonwealth's paternal dictatorship with equanimity and some still yearn for the good old days prior to self-government, others felt sorely their lack of representation and therefore the complete lack of influence over the decisions that were being made that affected their lives and community. In the long trek to self-government the Commonwealth was ambivalent—on the one hand, wanting to be shot of managing Canberra and, on the other, still wanting to maintain overriding control.

If we reflect on the current disposition of the Commonwealth towards Canberra, we will see that we have a prime minister who turns his nose up at living in the residence provided for the occupant of his position and we have a cowboy minister for territories who rides roughshod over the will of Canberrans following their election of a Labor government on a promise to build the Gungahlin Drive extension on the community-proposed western route.

This ambivalence towards Canberra does not exist only in the hearts and minds of Commonwealth ministers. In many ways, it reflects the ambivalence of the Australian people towards Canberra. This can be seen in the comments of visitors to Canberra as well as in the national media when matters relating to Canberra are discussed.

On the one hand, people feel considerable pride in and appreciation of their national capital. On the other, there is resentment from some towards its amenity and population of public servants, as it is often perceived, and often this gets wrapped up with the prevailing cynicism about our political system in conjunction with the perception of Canberra as the place of the politicians, even drawing on the old tradition of Australian anti-authoritarianism. These conflicting views do not necessarily reside in different people. The same person can hold a web of conflicting views and emotions regarding not only Canberra but also other things, making us the complex creatures that we are.

The recent bushfires provided an opportunity for the broader Australian community again to turn its mind to Canberra and to see it as a place where real people like them live. As tragic as the fires were, Canberra's community spirit was well portrayed in the

national media, with a few exceptions, such as the silly Paddy McGuinness, and I think it is fair to say that the people of Canberra were seen by the people of Australia in a much fairer light and our situation was responded to positively.

I hope that we are approaching a time when we, the Canberra community, will be seen and will see ourselves as a mature and positive self-governing community which, while always very much influenced by Canberra's function as the seat of federal government, nonetheless forges its own directions and develops its own community spirit, and does not depend so heavily on the whim of federal governments to determine its future.

I think that the now sadly diminished Canberra Festival, the somewhat confused National Multicultural Festival, and the now abandoned theatre and contemporary arts festivals are all evidence of the fact that we are still fairly unclear about who we are. It seems to me, however, that the Canberra community's activism on war, its sympathy towards the plight of refugees, even its enthusiasm for the ABC, are indicators of an independent spirit which is reflective of the interests and perspectives of Canberra people.

**MS MacDONALD (5.38):** On 12 March 1913 the wife of the then Governor-General, Lady Denman, declared, "I name the capital of Australia, Canberra," at an official ceremony on Capital Hill. This followed years of arguments about where Australia's capital should be—Sydney, Melbourne, Albury, Tumut and Bombala were some of the options. I can say that I have been to all of those places, even lived in one of them, and I think they would have been a poor choice over the actual location of Canberra as the capital.

At the ceremony exactly 90 years ago today, Governor-General Sir Thomas Denman said:

Here a city may arise where those responsible for the government of this country in the future may seek and find inspiration in its noble buildings, its broad avenues, its shadowed parks and sheltered gardens—a city bearing perhaps some resemblance to the city beautiful of our dreams.

Since its creation, Canberra has battled through the Great Depression, which brought a stop to construction of the new city, and World War II, when its population was just 10,000. Large-scale growth began in the 1960s. As Ms Tucker alluded to, that was in large part due to a conservative government at the time.

I am not sure whether all of our buildings, such as the one I am standing in, could be described as noble, and some of our shaded parks and sheltered gardens took a scorching when fire rained from the sky in January. But overall, Sir Thomas Denman's dreams of a garden-rich city seem quite accurate.

In fact, a travel writer, Bill Bryson, recently described Canberra as "an extremely large park with a city hidden in it". As Bryson discovered the hard way, if you come into Canberra from the Federal Highway down Northbourne Avenue it is easy to drive right past the city without noticing it is there. That is Canberra's charm.

More than 300,000 people live here, but you would never know it. Drive to Woden, Tuggeranong or Belconnen from the city and, on stretches, you will see only trees and

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grass, at times some kangaroos and occasionally other wildlife. Parliament House, the Australian War Memorial and, more recently, the National Museum of Australia are just some of our noble buildings that Denman could only have imagined.

Canberra is the home of federal parliament and the public service and Canberra bashing is up there with cricket as a national sport. That puts me in mind of being overseas last year and visiting Washington DC. It is in a similar situation, even though it is quite a bit older than us, in that it is 10-mile square except for a small hole at the bottom where, I think, Virginia refused to give up land and make it exactly 10-mile square. The bashing is derisory and it is seen as an easy way to get ahead if you are a federal politician in the United States to talk about something happening inside the beltway, the beltway being the main road that rings Washington DC.

Ms Tucker talked about some people bemoaning the fact that we did get self-government, while others were looking for some form of representation and self-determination. While the people of Washington DC have their local city council, they do not have a representative at the federal level; there are no representatives in the Capitol building of Washington DC. Their number plates these days actually have on them "Taxation without representation". An interesting push is taking place in the United States at the moment to try to get representation for Washington DC. That was a bit of a digression on my part, Mr Deputy Speaker.

After the January fires, Canberra bashing took a bashing itself when Paddy McGuinness dared to claim in the *Sydney Morning Herald* that Canberra was a dysfunctional socialist utopia created by upper level bureaucrats and academics. The *Sydney Morning Herald* was flooded with letters and phone calls as people from all over Australia defended their capital.

Canberra has a soul, despite what some of its detractors used to say. We have always known so, but the rest of the country found out in January. Our city's soul was evident in the Lyons recovery centre, the evacuation centres and the emergency services headquarters. Our soul was evident when people cooked for neighbours who had lost their houses, searched for missing pets, looked after frightened children and donated recovery funds. Our soul was evident when electricity, gas, telephone and water workers worked 24 hours a day to get services running again, and it was evident when we all cut our water use to prevent the system overflowing those few days after the fires. Our soul was evident in the tears, laughter and hard work that followed the fires.

I am proud to live in Canberra. Not having been born here, unfortunately for me, has set me up so that I can actually make comparisons between this city and a very large city, Sydney, and I am proud to call myself a Canberran. I am proud to have seen Canberra's community spirit burn brightly after the fires stopped burning. At 90, Canberra is still a young city, but it has survived a test that would have threatened established cities like Sydney and many of the other cities I was lucky enough to visit last year which have years and years of history beyond what we have throughout the rest of the country. I am quite sure that the entire country will join me today in wishing Canberra a very happy 90th birthday, with many more happy birthdays to come.

**MS DUNDAS (5.45):** I rise just briefly on behalf of the ACT Democrats to add to the birthday wishes to Canberra and to expand on the other points of Mr Hargreaves'

motion. Whilst I am joyful every day for living in Canberra—it is my home, I was born here and I am incredibly proud to represent the people of Canberra—I cannot forget that the situation in Canberra is far from perfect. We are definitely not the social utopia that Paddy McGuinness spoke about. While we celebrate the great things about Canberra, as many have done today, and acknowledge that we live in a fine city, we cannot forget the problems that are also a part of our city.

One of the positive side effects of the events of 18 January was that the nation was able to see the population of Canberra suffering hardship and that we did put on an incredibly brave face and were able to pull together and show the community spirit that we all knew was part of Canberra long before any disaster hit us. It did show to the rest of the nation that the people of Canberra are real, that we are more than just Parliament House.

I hope that that will continue, that the rest of the nation will recognise that there are real people living here and that we do face real issues. We do have a number of problems with the size of Canberra at the moment in that determinations that come out of the federal government sometimes classify us as a major metropolitan city and at other times classify us as a rural or regional centre. The classification depends on whether we will get any resources. It is having an impact on how this city is able to function and how this city is perceived.

We do need to remember, while we celebrate all the great things about Canberra, that we do have each night close to 300 people sleeping roughly on Canberra streets, that we do have a homeless population who were homeless before the bushfires in the ACT, that our crisis accommodation centres are full and are continually turning people away at an ever-increasing rate, that we do have a high level of mental health problems in our city, and that we do need to find a way to support the people of Canberra in their times of need.

It is not rare to find people in Canberra in need. The bushfires have highlighted just what we can do in a time of disaster, but we need to harness the spirit that shone through on those black days and carry it forward, to use a slogan, because there have always been problems in this city and there will continue to be problems in the future. If we can harness that spirit and that togetherness that the community experienced, we can resolve these issues, we can actually build the social utopia that Canberra should be, we can prove to the rest of the nation that we are a city full of people with souls and a city of souls and we can get it right, that we can look after our homelessness problems, that we can look after the emerging health issues, that we can look after our young people, our indigenous population, our aged and all those who are suffering in our city.

While we celebrate Canberra's 90th birthday and, as Mr Hargreaves has suggested, start planning for what will be the mega celebration of the 100th, I do hope that we will take a moment to pause and to regather our strength to continue to work on the issues that face our community in the ACT.

**MR PRATT (5.50):** I rise to support Mr Hargreaves' motion. Having said that, I would like to point out that I am a bit disappointed that this motion, like too many other motions, has been turned into a bit of a political stalking horse. Some people in this place have found it necessary to mention certain federal politicians and certain federal parties and allege that they have attacked or neglected the ACT community, which is not the case at all.

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Hopefully, one day we will be able to celebrate here these types of feel-good motions without their being turned into political punching bags. We are all proud of this community. It is one which has developed a fantastic spirit and which has the soul that some people used to say it did not have. It has also developed leading capabilities which are held in high regard by other communities in this country not so well off. We must note and celebrate those advances. With that in mind, I wish the community a happy birthday and thank the house for giving me the opportunity to get up and say just that.

**MR HARGREAVES** (5.51), in reply: I will be quite brief, I would hope. Firstly, I am a bit disappointed with Mr Pratt's qualified statement. There are a few things on which I would give advice gratuitously to you, Mr Pratt. Firstly, you should not be so mealy-mouthed when you come into this place and talk about celebrating something. Secondly, if you want to find out how people really feel when they are actually speaking in this chamber, try coming down and sitting in here, instead of listening to the broadcast of the proceeding on a TV upstairs. Maybe you would then get a bit of a feel of the power coming out of it.

Thirdly, you should stop being so paranoid when people are congratulating various governments federally and locally for things that they have done. I do not pull any punches when it comes to condemning people such as Malcolm Fraser for giving this town particularly a financial vasectomy. I was not very impressed with that. That is for another time completely, but you raised it, Mr Pratt. I think it was totally inappropriate to raise it and I am not happy. You should get a life, Mr Pratt.

In terms of what we should be celebrating in this town, I will give you another quick example. I meant to make mention of it in my original speech. The Westminster parliament is something like 600 years old. I cannot remember the exact figure. I am sure that the chamber support will correct me if I am too far out, but it is something like 600 years old. When I attended a Westminster seminar recently, thanks very much to the support of the CPA, I found that the ACT's Legislative Assembly was so far ahead of that parliament in the application of democracy and its committee system that that parliament was taking advice from us.

When I went to a number of scrutiny of bills committee meetings I found that this parliament was way ahead of many older ones within this country on parliamentary procedure. For such a young jurisdiction, one 90 years old, we are not doing too badly, thank you very much. There are many things about this town that we need to celebrate. We ought to walk around this place with a smile on our face, proud that we represent the people of Canberra and, for once, just get a life and celebrate the 90 years of existence of this town.

Motion agreed to.

### **National disaster program**

**MRS BURKE** (5.55): I move:

That this Assembly calls on the Minister for Disability, Housing and Community



Services to exercise his powers pursuant to subsection 12 (9) of the *Housing Assistance Act 1987* to develop and approve a 'Natural Disaster Program', that will create a waiver or exception, for a reasonable period of time to be determined by the Minister, in relation to rental charges for ACT Housing tenants in such times of natural disaster.

Mr Speaker, I would like to give a little background to the reason for and the purpose of this motion. Following a media release on 5 March 2003 headed "Public housing fire victims hit with rent hike", concern was raised when it was realised that some tenants, after being relocated to new accommodation after the January fires, were being placed under unnecessary financial pressure as a result of paying higher rates of rent and other up-front costs such as rent paid in advance.

The housing minister indicated to the Assembly on 5 March that the government was considering the issue of increased rents and how they were impacting upon public housing tenants who were affected by the fires. Further reference was made to the constraints placed on Mr Wood by the Housing Assistance Determination 1999, and more particularly the apparent inability to do anything under the ACT Housing Assistance Act 1987 that would protect tenants from being charged market rental rates or to provide subsidies during a time of crisis or disaster.

The key features of this proposal include establishing the distinct need to protect ACT Housing tenants from any forms of financial pressure in times of natural disaster, with consideration being given to sections 12 and 15 of part 3, housing assistance, of the Housing Assistance Act 1987. Under schedule 1, recital C, of the determination, a point of recognition is made by both the Commonwealth and states/territories on the basic understanding of the provision of housing assistance. Access to "affordable and appropriate housing" is essential to reduce poverty and its effects on individuals and the community as a whole.

The aim of the agreement is to provide appropriate, affordable and secure housing assistance for those who most need it, for the duration of their need. Such a statement indicates that a fundamental tenet of the agreement is to ensure that those who access housing assistance are protected. Under the guiding principles of the agreement, reference is also made to the funding arrangements that should promote efficiency and cost-effective management, including longer term planning and alternative methods of housing provision.

Mr Speaker, I am sad to say that I believe the Minister is being a bit disingenuous if he cannot agree to this motion. If that is the case—and I hope it is not—I am really disappointed at his lack of commitment.

Section 15 of the Housing Assistance Act 1987 provides for market rents to be charged—Mr Wood is quite right about this—and section 12 (5) provides for the Minister to approve a program, or an amendment, or revocation of a program. So contrary to what the Minister said in answer to my question on Wednesday 5 March 2003, he is not constrained by the Housing Assistance Act, and I cannot believe that someone of Mr Wood's experience does not know this. I might look like a lamb but you cannot pull the wool over my eyes on this one. Mr Speaker, if I am wrong, I stand corrected.

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Let me refer members to the Housing Assistance (Form of Agreement) Determination 1999. The following statement is made in part C of the determination, under the heading “Recitals” in schedule 1—Form of Agreement:

The aim of this Agreement is therefore to provide appropriate, affordable and secure housing assistance for those who most need it, for the duration of their need.

Under the heading “Guiding Principles”, section 1 (1) (b) of the determination states:

housing assistance arrangements should be sufficiently flexible to reflect the diversity of situations which currently exist in the States ...

Section 2 (6), under the heading “Roles and Responsibilities”, states:

Under this Agreement the States will have responsibility to:

(a) develop housing assistance strategies that are consistent with Commonwealth and State objectives, and best meet the circumstances of each State;

Section 7 (1), under the heading “Agreement Variation”, states:

The provisions of this Agreement may be varied by agreement in writing between the Minister and all State Ministers.

Indeed, Mr Speaker, I believe that the Minister has the power to make programs and change them, consistent with the overall objectives of the scheme. I therefore believe that his argument that his hands are tied is wrong. If he wants to provide support in special circumstances, he can.

Mr Speaker, this is not about setting a precedent, and I am sure that the minister will be concerned about this matter. It is about setting and establishing a program that, in times of natural disaster, will benefit and protect people who are accommodated in ACT Housing properties. The Minister does have flexibility and control over such matters. This is not a matter of authority; moreover, it is a failure of will if it does not go ahead.

This motion is about providing part of the solution to the problem. It is about ensuring that we do not run the risk of causing further disadvantage to those most vulnerable in our community. Let me give you a personal example. A family were moved from one ACT Housing property to another—and I should stress here that they were not residents of Uriarra or Stromlo—after the tragic bushfires. This move involved their having to sign a new 12-month tenancy agreement, with \$700 up-front, I would presume, in advance rent, despite the family being in advance with their rent at that stage. On top of this, they also have to find another \$100 per week in extra rent.

I have to say at this stage that the family were extremely complimentary about how quickly they had been relocated and were very quick to praise the Minister and the department, and so do I. They are extremely grateful to have a roof over their heads and be in a wonderful home. Also, they have been assured that, if they wish, they will have first refusal on their previous home once it is rebuilt.

However, this situation has now caused the family to fall back into debt. The father now has to travel twice the distance to work, children have to catch two buses to school, and so on and so forth. Up until the bushfires and being moved they had worked very hard at getting out of their debt situation.

I sincerely congratulate the Minister and his department on doing the best they could to relocate as quickly as they did not only this family but all people affected by the bushfires. What I am calling on the Minister to do in this motion will ensure that people are not disadvantaged unduly during such traumatic times. I am wondering why such things as continuity of tenancy do not apply. Why do people have to sign up for new agreements? Surely the Minister has the power and the ability under the acts, both Commonwealth and territory, to do something about this. I am wondering why people who are in advance of their rent are forced back into a situation of debt because of events over which they have no direct control.

Mr Wood is aware of this problem. I am hopeful that he and this Assembly will look favourably upon the idea and that he will use his discretionary power to create a waiver or exemption, for a period to be determined by him, in relation to rental charges during and after natural disasters. It could be argued that such a small number of people have been affected. But does this make it right to allow them to fall through the net? Have we not been debating issues in this very place this week affecting the minority? I do not have any problem with that. Let us not forget people or groups.

Barring a miracle, Mr Speaker, I am not sure I have the numbers to have my motion passed. But no-one can knock me for trying to speak up for those who need our help in times of crisis. I thank members for their time, and I ask them to support my motion.

**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) (6.03): On the surface, this is a nice motion. It feels good and it sounds good. But is it good? I am particularly concerned that Mrs Burke is asking us to take some significant action on the basis of one case, and a case which I question anyway.

Let us go back to the legalities of this matter. I do not remember exactly what I said on the day Mrs Burke asked her question—we were looking at it; I am constrained but I did look at the question of rents and fairness. I said to her that I thought we were actively considering it, and I was. I went through it in very great detail and it became clear to me that what we are doing is absolutely fair.

Mrs Burke has gone through the legislation. Indeed, she has gone beyond the points that are contained in her motion. I have also looked at other points that she raised. It is probably possible to work through the various terms to look at the way rental assistance is given. But this is a difficult process, and it would need to be done in line with the principles which we apply.

Let me ask one overwhelming question, and I will come back to it from time to time: are we or are we not fair? In public housing, tenants pay the market rent or 25 per cent of

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their household income, whichever is the lowest. I bet you every darn tenant in private tenancies wishes they had this arrangement. So you do not pay more than 25 per cent of your household income in rent. I think that is fair. We should bear in mind that it was the Liberal Party—I will not pursue this today—that said a year or two ago that we should get rid of the market renters; get rid of the close to 20 per cent of people who fit into the category I just mentioned.

I am pleased to see that there has been a change of mind and that now we have a more sympathetic view in respect of market renters. If rent has gone up it is because of changed circumstances; because someone has moved to a rental base where the amenity they are now in is deemed to be of a higher value, and the balance between that higher value of accommodation and their income has changed. In fact, of the 56 housing tenants that we have relocated, 32 are paying the same or less rent than previously. They are paying the same or less. A further eight are paying under \$20 a week more, and then a number of the others are paying higher than that. But they are in different circumstances. I think the principle is fine.

Let us go back a bit further and look at what we should do in these circumstances. This was a natural disaster. In times of natural disaster—I think we have only ever had the one in Canberra—the government and the community turn to the disaster plan, which is a very comprehensive document that covers every contingency after a disaster. The process of putting this plan into action after the bushfires went smoothly. Evacuation centres were opened and staffed and everybody in the government and community groups had a role. Although we have been on alert before, this was the first time the full provisions of the disaster plan were used, and the first time that financial assistance was made available. This was a response to the problem of people losing their houses.

What was that assistance? Well, I think you know, but let me repeat: cash grants of \$75 a day were available from the evacuation centres for several days. This was provided so that people who had lost everything or who were unable to return to their homes for a while could buy essential necessities. A grant of \$5,000 was made available to people whose homes were destroyed or were uninhabitable. Those who lost their homes and were also uninsured were eligible for a further \$5,000 a household, and that applied to ACT Housing tenants as well.

Applications for further grants can be made to the bushfire recovery appeal, which I think is around about \$5½ million at the moment. On top of that there have been significant donations, thankfully accepted, of furniture, household goods, TVs, beds, electrical goods and the like. So there has been a very significant measure of assistance for these people. Public housing tenants whose properties were destroyed or badly damaged were provided with alternative accommodation in motels at government cost, and this was done for others, too. So I think Housing has been very generous. We have accommodated 56 people—we have bent over backwards to do that—plus 13 others who became eligible, and we are continuing to work to find accommodation for everybody.

I said at the outset and I will say it again: Mrs Burke did not make her case today. Mrs Burke put forward one case as evidence of the need to make a significant change to what we do. I am sorry but she has not supported her argument. She has presented only one case. To the best of my knowledge, the figures that she referred to do not add up. She

talked about \$700 up front and yet she says the rent was in advance. That does not compute; it does not work out. Yes, we do like people to be two weeks in advance and, yes, if they moved from one property to another because they had been burnt out we would, in the first instance, ask, "Have you got a fortnight in advance?" If they said no, we would say, "Okay, we are not going to push that." It is a fair question to ask but we would not push.

I do not understand the only case that Mrs Burke has put to us. If the people were in advance, they would not be asked for \$700. I do not know where the \$700 comes from, and neither do you, Mrs Burke. You did not say where the house is located. I think we have a couple of properties in good spots—Bannister Gardens or somewhere. Houses in a couple of nice little cul-de-sacs in Griffith might approach that sort of rent if the person renting was on a very high income. There are no properties on the list I have seen that would attract a rent of \$350. So I do not know where that comes from.

I say again that if the people you referred to were two weeks in advance, they do not have a problem. I have not checked with my office since you spoke but, although we did say to come and talk to us, I am not aware that my office was approached on this matter. So I really do think you have fallen down on substantiating your case.

I think members are accustomed to ringing the office and getting very good service. Sometimes there might be disagreements and people might think that Housing could be more generous or something, but in general I think there is good cooperation, as there was when I was in opposition, between the Housing officer in my office and members' offices. So I do not think there is any real justification to take this course of action. The case has not been proved. As I pointed out, significant assistance has been given.

If we want to assist people—and I do not know how we would do it—we ought look at assisting private housing tenants. My quick thinking tells me—and I worked this out over a few days—that probably as many private tenants as public tenants lost their homes. So let us say that around about 80 private tenants lost their homes. I bet there is not one of them paying less rent; and more than half of our tenants are paying less rent. So that is where there should be assistance.

I will say this again in respect of public and private tenants, and I am going to say this about 10 times: no public housing tenant pays more than 25 per cent of their household income in rent, and that is an entitlement that is not available to private tenants. If you read material from the affordable housing taskforce you will know how many of those private tenants are under severe stress. They would all love to pay only 25 per cent.

The motion does not talk about a period of assistance or consider the cost of such an open-ended program; nor does it consider the overall capacity that we have to address the housing requirements of people in need, and that includes natural disaster victims. In fact, I claim that this proposal is discriminatory and I think that is something this Assembly has to think about.

As well as the financial assistance I have already outlined, the rent of those government properties that were destroyed by fire on 18 January ceased at that date and the tenant would not have had to pay rent again until they occupied a new dwelling, and any credit

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on their tenancy was transferred to the new accommodation. That is only fair and reasonable. I am not sure every private tenant was able to exercise the same privilege.

Tenants moved to alternative government properties were charged rent on their new and different accommodation. In fact, I think one of the houses was brand new, so there might have been a bit more market rent. As I have said, that is balanced by rebates if someone is on a high income. However, they were charged rent from the date of occupation.

As I said, tenants are normally required to pay two weeks in advance but this requirement was deferred after the fires for those in genuine financial difficulties. That is where I say Mrs Burke's case does not add up. Public housing tenants do not have to pay bond money, which is another advantage they have over private tenants. So over and over again you can see the advantage that public housing tenants have.

I wish we could do something about the broad housing problem overall, so we could reduce the rents of those poor people—poor in terms of having to pay so much—in private tenancies. I say again that if there was a little arrears on the rent and there was financial difficulty, the two weeks in advance was waived.

Public housing tenants are also protected by the provisions of the program should their household income fall. For example, if a public housing tenant on full market rent lost their job, their rent would be adjusted. So it would come back to paying no more than 25 per cent. You do not get that with private tenancies.

I say again: if Mrs Burke has details of cases where tenants feel they have genuinely been disadvantaged, please contact my office. One case—and I am not sure it did come into my office—is not an argument for supporting the motion. (*Extension of time granted.*) One case does not justify the motion.

About 82 per cent of ACT Housing tenants receive a rental rebate. Those who do not receive a rebate pay the full market rent for their home or, as I have said, 25 per cent, whichever is less. Housing tenants relocated because of the fire who were on rebates continue to pay the same rent. In some cases the rent of housing tenants who were relocated because of bushfires has gone up but this has occurred only where the gross household income has been at such a level that a rental rebate is not available and full market rent applies.

The people Mrs Burke wants to help are those—I am not saying they are fabulously wealthy—on higher incomes. I do not have a problem with that. I acted to see that they stayed in those houses and that they are not required to leave. I think the system we have in place is absolutely fair.

ACT Housing uses a rental system that is fair and equitable. What is proposed in this motion is not fair and is not equitable, especially to those in the rental market. I emphasise for the fifth or sixth time that the case for the motion, based on one dubious example, simply has not been made.

**MR STEFANIAK (6.20):** Mr Wood has probably missed the point a bit in the comments he made about Mrs Burke's motion. I have to correct him on one thing: he

said, “She doesn’t even say anything about a time frame.” There is no time frame. Mrs Burke’s motion quite clearly states “for a reasonable period of time to be determined by the Minister.” The Minister himself will be able to determine—and he has left the chamber—what is an appropriate time.

Obviously, this is not something that is going to occur very often. Mrs Burke’s motion seeks to get the Minister to exercise his power under the act, and even the Minister concedes that he can do that. I will give him a little example just to show that he can develop and approve a national disaster program. Such a program is not necessarily going to affect very many people, and Mrs Burke is not talking about very many people.

We all know that one of the great benefits of public housing is that renters do not have to pay more than 25 per cent of their income or the market rent, whichever is the lowest. That is a good deal. This is certainly something that was set several Commonwealth/state housing ministerial meetings ago—I think that was probably set in my time as minister. I think it is a pretty fair arrangement.

As I said, Mrs Burke is talking about very few people. She is talking about people who are probably on a fairly low income—maybe even a low to medium income—who have lost their house and possessions and are traumatised. They have been paying, say, \$100 per week rent and, through no fault of their own, the property is burned and they have lost everything. They are then moved to a better property—it might be a temporary move, and that is understandable—and they have to pay \$200 a week. That would be a very significant increase. As I have said, this is not going to happen to terribly many people. But, obviously there is some concern in the community as a result of this dreadful natural disaster and—

**Mr Wood:** One case.

**MR STEFANIAK:** I think it might be more than one, Mr Minister. But, at any rate, there is obviously some concern in relation to this.

**Mrs Dunne:** One case is one too many, Bill.

**MR STEFANIAK:** I will come to that, too. Yes, one case may be one too many. I think you will find it might be more than one case. But I think it is important to have regard to the circumstances of those persons. This is not something that is going to continue indefinitely, Minister. It will operate for a reasonable period to be determined by you. That might only be six months, but that is to be determined by you.

These situations do crop up. I think you are right when you say that you think it is possible that you could work within the terms of the act and the Commonwealth/state housing agreement. You certainly can.

**Mr Wood:** It’s difficult.

**MR STEFANIAK:** It is difficult but you can. Let me tell you about an incident that took place when I was minister. In 1996, two of my excellent Housing officials—Peter Gill, the general manager, and Sue Birtles, the commissioner—brought to my attention an

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anomaly that I was not aware of concerning a beat-up on a Sydney commercial television 7 pm current affairs program about a 95-year-old World War I veteran whose rent had gone up from \$48 to \$92 a week. When Peter and Sue went through this with me on the Monday morning, I think it was, it was quite clearly shown that over a period from 1985 there had been some toing-and-froing as to whether one of his two military pensions should be included as income. It had something to do with having been wounded, but I am not sure if it was a TPI pension. Basically, Housing had rarely assessed that as income but there had been an administrative decision to claim it as income.

Naturally the old boy was a bit concerned when his rent went up from \$48 to \$92 a week, as you would be, and his son went to the media immediately. I looked at it, and I commend the two officials for their prompt attention. We worked out, like Mr Wood would be doing in this case, that quite clearly, yes, you can as minister make some determinations and make those adjustments. Of course we have great regard for anyone who has served their country in time of war—one of the highest callings for any Australian—and have put themselves at extreme risk to defend their country. As such, returned servicemen and women need and deserve to be properly and adequately protected.

I thought an immediate step there, Minister, was to exempt all World War I persons in that category. Housing told me there were, I think, four, although they thought only one was in a house, and that was this gentleman. I had great pleasure turning up and talking to the crew from Channel Seven or Channel Nine in Sydney. When I walked in the door the reporter said, “You look like a front row forward, you are so sprightly.” I said, “Right, problem solved.” I explained the situation and the TV people did not get the horror story they were after.

However, as a result of that we then, in fairness, looked at whether other ex-servicemen and women were in a similar position. Several months later I was able to again use the discretionary power you have as minister to exempt from the rule—the rule under which, because of a decision that had been made, part of a military pension was assessed as income—effectively some 270 people in public housing who had served their country from World War II up to and including Vietnam. My action did not cause a lot of angst at Housing, it did not cause much loss of revenue, but it was eminently fair for those persons who were obviously affected. Accordingly, this is what the Minister could do here in using his powers to create a natural disaster program.

Hopefully we will never have another natural disaster. This is something that might not ever be needed and it will not necessarily apply to many people at all. We are not talking big numbers here but we are talking fundamental fairness for people who are very much aggrieved, through no fault of their own, and who need to be assisted.

Mrs Burke is not saying in her motion that payment of the whole rent should be waived, that the renters should not have to pay any rent.

**Mrs Burke:** No.

**MR STEFANIAK:** Mrs Burke says no. What she means is that if someone is paying 100 bucks a week and, through no fault of their own because of a natural disaster, they



are put into accommodation where they have to pay \$150, \$180 or \$200 a week as a stopgap measure, they should continue for a limited but reasonable period, to be determined by the minister, continue to pay that 100 bucks a week until a more permanent arrangement can be found. This is not a huge ask. We are not talking big bikkies here, but what we are asking for is very fair. I certainly support Mrs Burke in bringing such a motion before the Assembly and I commend her for doing so.

**MS TUCKER (6.28):** Mr Speaker, I am interested in this debate. I have also had phone calls in my office about rent and the situation of tenants after the fires. More particularly, the calls have related to the private rental market. Mrs Burke's motion calls on the Minister to exercise his powers to approve a natural disaster program that will create a waiver or exception, for a reasonable period of time, in relation to rental charges. I am aware that the government as a whole created a fund to assist people financially after the fires, and we are all very familiar with that assistance. I am also aware that the Minister exercised his powers in regard to the priority list, which meant people who were victims of the fires were given first priority. That was a reasonable thing to do, although it was of concern to everyone else on the waiting list who have got pushed right back.

I know that it is a dilemma because everybody is deserving of a house and stable, secure accommodation. It is a terrible thing when you have to prioritise in this way and make a decision about who is the most important. But the government gave these people priority with housing, and I understand their reasons for that. I am just saying that I am sure it was a difficult decision. So the Minister in fact did exercise his powers in that way to accommodate public housing tenants.

I have listened to Mrs Burke's argument and the Minister's argument, and I have to say I feel I am supportive of what the Minister has said. I am concerned that one case has been used as a basis for this motion, and even that case seems to be not clearly understood by the proponent of the motion. After looking into it, apparently the Minister cannot work out how this case could have occurred. So I would not feel comfortable supporting this motion when the reasons for adopting it are so unclear.

I am sure that the Minister will be working with Mrs Burke to clarify whether someone has been put in a difficult situation.

**Mr Wood:** We would like to do that.

**MS TUCKER:** The Minister would like to do that, he would love to do that, it is his responsibility to do that, and he will do that.

**Mr Wood:** Well, someone has got to tell me about it.

**MS TUCKER:** That is right, and this motion means you now know about it. The Minister has also made the point that if paying two weeks in advance had created hardship, this could have been waived. But there seems to be confusion if the payments were already in advance. I really do not know and I do not want to comment because it is all too unclear.

While I am on my feet I would like to take the opportunity to talk about the situation private tenants find themselves in because of the pressure that is being put on the housing

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market. We all know very well that the private rental market is a very difficult market in the ACT. There are already serious problems for people in this market, particularly for people who are not perfect tenants—for people who are not white; for single people; for people with children and animals; and for people with mental illness, et cetera.

**MR SPEAKER:** Ms Tucker, order! I am sure that what you want to talk about is extremely important, but I think you are wandering off the subject matter of the motion. I ask you to take into account the relevant standing order regarding relevance.

**MS TUCKER:** Thanks, Mr Speaker. I was wondering whether you were going to point that out. I was straying, and I will not continue to do so now that you have pointed that out to me.

I just want to make the point really quickly that the issues for private tenants are huge. I was going to amend this motion—but I thought you would rule that out of order as well—in order to get the Minister to take a strong interest in what is happening in the private rental market and to see whether we can have stability and control by capping rents.

**MS DUNDAS (6.33):** This has been a very interesting and complex debate and a number of concerns have been raised. The major question is whether the motion moved today by Mrs Burke addresses these concerns. I have read a number of times the housing assistance program part of the Housing Assistance Act 1987 to try and comprehend what it is that Mrs Burke is trying to achieve.

Mrs Burke has made some good points. People have lost their possessions and their houses. Although they are eligible for a payment of \$5,000 if they did not have contents insurance, \$5,000 does not necessarily replace everything. It does not go very far when you are trying to replace school uniforms, school books and incidentals. Affected tenants would have access to the pool of donations that have been pouring in from across the community, but I do not think it is reasonable to conclude that every family has been able to find from that pool most of what they need.

It is quite easy to understand how a family could fall into rental arrears if they had to replace lost items, which in any case had been a financial drain, or if something else happened, such as a trip to the dentist. When you are living on a low income, tackling debt is next to impossible. I have spoken a number of times to people from the department of housing and I understand that they work incredibly hard to try and help people who fall into arrears stay in public housing and manage that debt. I congratulate them on the quite commendable effort they put into that. I note that they do recognise the need. They deal with people who might not be able to manage debt and these cases need to be handled quite sensitively.

There are a number of questions about whether this is the right way to go about tackling the problem. A number of people who were living in public housing lost everything as a result of the natural disaster. They were put back to the top of the reallocation list and the government has worked to find them housing. Of course, not everybody is going to find that arrangement suitable and there are going to be problems. Some people will be paying more rent. I have heard the government say that they have paid relocation costs and that they are trying to accommodate everybody as much as possible.

I have also been informed that the housing managers within the department will be treating bushfire affected tenants sensitively. However, without a system-wide policy, it will be hard to ensure that this does occur. We cannot at this stage waive debts, so hardship might be more prolonged than might normally be the case.

My understanding is that this motion does not require the government to waive the rent of public housing tenants in the event of a natural disaster; it merely calls on the government to create a discretion to waive rent. I have read the Housing Assistant Act a number of times to try and get my head around that. Section 12 (9) of the Housing Assistant Act states:

A relevant instrument prepared by the Commissioner and approved by the Minister in accordance with section 12 may—

and that is an important legal word—

- (a) provide for the reconsideration of decisions of the Commissioner that are specified in the instrument; and
- (b) provide for the application to be made to Administrative Appeals Tribunal for review of decisions ...

The act talks about how a housing assistance program can be created, how it will apply and whether or not it will apply. So it is quite possible that the Minister could create a new program to deal with the circumstances of people who, as a result of natural disasters, are forced to pay more rent than they normally would and who are finding that that is having a detrimental impact on their ability to meet other costs.

**Mr Wood:** They are getting a concession anyway. They are getting that concession.

**MS DUNDAS:** The Minister makes the point that they are getting that concession anyway, and this is one of the reasons why I have tried to grapple with this complex question. But it does come down to two points. The motion calls for an instrument to be set up to develop and approve a program that may do something that is already being done. It seeks to give the government the discretion to develop the program and to apply it only in certain cases. The second point is that we can leave the situation as it is.

I have not heard why it would be bad to set up this program. I have heard that the government does not necessarily want to set up the program because they think they are doing enough already and that people are accessing enough support mechanisms anyway. But they have the ability to set up this program to address the concerns that have been raised.

Mrs Burke has raised some important issues. I think when it comes down to it, I will support this motion. I recognise that the government is doing some strong work in this area and in housing anyway, irrespective of the bushfire disaster. However, we need to look at the whole housing situation and put affordable housing taskforce issues back onto the agenda.

I do not see why we cannot move forward by setting up this program and applying it in

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situations where people are facing undue hardship. It might not be needed, and if it is not needed, then that is all the better. But we have had a natural disaster. Let us establish a natural disaster program that can be an extra safety net for those in hardship.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (6.42): I thank Ms Dundas for her comments about what the government is doing. A lot of what the government has done since 18 January has been in concert with or in reaction to the particular disaster and the particular circumstance.

I think it is marginally delusional to think that you can actually create a program, a recipe, that is going to fit the next natural disaster, whatever that natural disaster might be. We seem to have a pattern developing in this current Assembly of a flight to bureaucracy at every turn. Half the questions in this place are about when or how do you measure it? They do not actually get to the meat of what has been done and I would be very concerned if that trend continues with the acceptance of this motion.

The other thing that disturbed me is that a case has been put on the basis that maybe the grants are not enough to help everybody. Let us talk about grants. If there is a problem in public housing, let us address that particular problem. I am afraid that at the moment we on this side of the House are suffering from the great disadvantage of having absolutely no details. There has been no attempt to try and resolve this on behalf of the one person or the several people that might have met with a particular problem. Rather, this motion has been used to bring up a debate which, at the end of the day, is a means of just trying to find a way to be “a little bit more generous than you”, so there is a little bit of one-upmanship in this.

Really, the motivation does not seem to have been about genuinely helping the people who may have a problem or trying to solve that problem. That is rather disappointing. Can I just put in my four penneth to say: please can we not have this constant flight to the minutiae at the cost of decent public policy.

**MRS BURKE** (6.45): I thank the members for their input. I would like to cover a couple of things. The one case that I raised was just an example—a personal example. Because of confidentiality, I cannot release any details or information. There are other people possibly who are in a similar situation.

**Mr Quinlan:** He can keep a secret.

**MRS BURKE:** I listened to you in silence—do me the courtesy of acting in the same way.

**Mr Wood:** You come to me all the time with cases.

**MRS BURKE:** Mr Wood, I often come to your office. Your staff work extremely hard and ACT Housing work extremely hard. Contrary to what Mr Quinlan says, I am not marginally delusional. I have actually commended and congratulated your government on the help, the advice and the handouts that have been given. I think it is marginally delusional to think that we do not need any programs in place like the one proposed in

my motion. I thank Ms Dundas for her comments about setting up a program to address a need, and this is what we are about.

Mr Speaker, we have heard in this place that we have a prime opportunity to learn and grow from the recent bushfires. Does there have to be any case for such a program to be established? Why don't we think wiser now rather than, pardon the pun, putting out the fires when they take place? Can't we set in train something that will actually be of use and value if ever anything like this happens again? Was not lack of foresight the problem before?

I put it to you that I think the reason that Mr Wood is getting upset—and I would suggest at this stage that he is unable or not willing to carry out my proposal—is that he is a little bit miffed at me for not going through his office. I would have to say I have been given much help from Mr Wood's office on many occasions. But on many other occasions I go round in ever-increasing circles trying to get answers. I am not blaming anybody. It is tight out there and the situation is hard. I am just saying that I do not run to the Minister every time there is an issue. Surely I can stand on my own two feet and try to help constituents if they do not like the answers they are getting from the Minister's office. I can go ahead and try to pursue such matters on their behalf. After all, I am a member in my own right.

I would ask that members please consider my motion again. My motion would ensure that people are protected if, God forbid, another natural disaster ever hits Canberra. I again apologise if I have upset or offended Mr Wood in any way.

**Mr Wood:** No.

**MRS BURKE:** Well, your attitude does not indicate that. I am just saying to you that I apologise. But when I do not get a satisfactory answer, I must pursue the matter vigorously; I must protect the constituents out there. Certainly people at Uriarra, Stromlo and other places have been badly affected and disaffected. The minister is able but obviously unwilling to take this step. Despite what Mr Quinlan says, I think this it is a perfectly decent course to take. In any case, you do not have to evoke or use such a measure should another natural disaster occur.

Mr Quinlan, if we are talking about gaining brownie points, surely it would be a feather in the Minister's cap if such a program were established. So let us forget that, shall we. This is not an end of the day thing—it is something that I am passionate about and dear to my heart. Although I have given you one case, I did not need to give you any. Mr Quinlan can touch his heart—I am sorry to see that this is so amusing to him.

I just do not think the Minister's argument is good enough. He cannot stand there and say I do not have a case. We are trying to be preventative; we do not want to be running to the bureaucrats. I think you love your public servants, as I do, Mr Quinlan, so what is wrong with engaging some useful and intelligent people in this type of work? I thank members for participating in this debate and I urge them to support my motion.

Question put:

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

The Assembly voted—

Ayes, 6		Noes, 8	
Mrs Burke	Mr Smyth	Mr Berry	Mr Quinlan
Mr Cornwell		Mr Corbell	Ms Tucker
Ms Dundas		Ms Gallagher	Mr Wood
Mrs Dunne		Mr Hargreaves	
Mr Pratt		Ms MacDonald	

Question so resolved in the negative.

## Adjournment

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

That the Assembly do now adjourn.

## Mr Ted Rayment

**MS MacDONALD (6.55):** I rise today to pay tribute to Mr Ted Rayment. Ted Rayment has had his last day as general manager, and prior to that chief executive officer, of the Canberra Hospital. I think it is important that we acknowledge the work that Mr Rayment did for the Canberra Hospital and the people of Canberra while he was both chief executive officer and general manager.

Many people who went before Mr Rayment in the position of chief executive officer did not last the distance. There were in fact five chief executive officers in the five years before Mr Rayment took on the job of chief executive officer and then general manager. In an article which appeared in the *Canberra Times* on the weekend, Mr Rayment is reported as saying that a number of people approached him and asked him not to take on the job because they were concerned that he would not last any longer than 12 months. But he proved them all wrong. He has been at the Canberra Hospital for six years, most of that time as chief executive officer.

I first met Ted in my former role as organiser for the Australian Services Union. I would like to reiterate what a lot of other people have said. Ted was a very approachable person and quite regularly he went above and beyond the call of duty to try to resolve things—at times this would be at minutiae levels—that you would not expect a chief executive officer to be involved with.

Ted would always acknowledge people as he walked around the hospital. He would smile and say hello to them. In both my capacity as the organiser for the Australian Services Union with members at the Canberra Hospital and now in my capacity as an MLA, I have always found Ted to be extremely approachable and friendly, a person who is willing to listen and assist.

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We are much the poorer having lost Ted to Royal Hobart Hospital. I wish both Ted and his wife, Wendy, and his four children, the best of luck for the future. I know that three of his four children are grown up and that his youngest child, who is almost grown up, has already gone to boarding school in Hobart. He tells me that she quite likes it there. I wish them all the best for their future and hope that one day we will get him back and into the health system because I know that we can always use a man like Ted Rayment.

Question resolved in the affirmative.

**The Assembly adjourned at 6.59 pm.**

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## Schedules of amendments

### Schedule 1

#### Bushfire Inquiry (Protection of Statements) Bill 2003

Amendments circulated by the Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment

1

#### Clause 2

Page 2, line 3—

*omit clause 2, substitute*

### 2 Commencement

This Act is taken to have commenced on 22 February 2003.

2

#### Clause 4 (1)

Page 2, line 11—

*omit clause 4 (1), substitute*

- (1) It is a defence to an action for defamation in relation to the making of a statement to the inquiry, or the giving of a document or information to the inquiry, if the defendant establishes that the defendant made the statement to the inquiry, or gave the document or information to the inquiry.
- (1A) It is a defence to any action for defamation if the defendant establishes that the published matter was, or was contained in—
  - (a) a report of the inquiry presented to the Legislative Assembly (a *protected report*), or a fair copy of a protected report; or
  - (b) a fair summary of, or a fair extract from, a protected report.

3

#### Clause 4 (2) (b)

Page 2, line 20—

*omit*

person's

*substitute*

defendant's

4

#### Clause 4 (3), proposed new definition

Page 2, line 22—

*insert*

*defamation* means libel or slander.

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5

**Clause 4 (3), proposed new definition**

**Page 2, line 24—**

*insert*

***published matter***, in relation to an action against a defendant for the publication of matter that is or may be defamatory, means the matter published.